

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

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RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. 92067

STAFF'S

Please indicate recommendation for each action. (ie: Resolution / Ordinance)

Deny CUP No. 296127 and PDP No. 453612

PLANNING COMMISSION (List names of Commissioners voting yea or nay)

YEAS: Schultz, Garcia, Naslund, Ontai, Otsuji

NAYS: 0

ABSTAINING: 0

TO: (List recommendation or action)

Deny CUP No. 296127 and PDP No. 453612.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP:

- ☐ No officially recognized community planning group for this area.
- ☒ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☐ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor:

Opposed:

By Karen Lynch-Ashcraft
Project Manager



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THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 21, 2007 **REPORT NO.** PC-07-079

ATTENTION: Planning Commission, Agenda of June 28, 2007

SUBJECT: AMERICAN TOWER CUP'S - PROJECT NO.'S 90455, 90475, 90486, 91175, 107501 - **PROCESS: 3 (ON APPEAL)** AND PROJECT NO.'S 92067, 92076 - **PROCESS: 4** AND PROJECT NO. 91178 - **PROCESS 5 (RECOMMENDATION)**

OWNERS: Various (See Ownership Disclosures in Attachments A-H. Updated versions will be distributed at the Planning Commission Hearing)

APPLICANT: American Tower Corporation

SUMMARY

Issue(s):

1. Should the Planning Commission approve or deny an appeal of five Conditional Use Permits for expired major telecommunication facilities (four different monopoles and one shelter with roof top antennas in addition to associated ground equipment)?
2. Should the Planning Commission approve or deny two additional Conditional Use Permits that have accompanying Planned Development Permits (for height deviations) for existing expired major telecommunication facilities (two different monopoles with associated ground equipment)?
3. Should the Planning Commission recommend denial to the City Council of a Conditional Use Permit and a Site Development Permit (for Clairemont Mesa Height Limitation Overlay deviation) for an existing, expired 136 foot high monopole located at 6426 Mt. Ada Drive within the Clairemont Mesa Community Planning area?

Staff Recommendation:

1. **Deny** the appeal and **Uphold** the Hearing Officer's decision to **Deny** Conditional Use Permit No. 289921 (Verus Street – PTS No. 90455).
2. **Deny** the appeal and **Uphold** the Hearing Officer's decision to **Deny** Conditional Use Permit No. 289973 (Yolanda Avenue – PTS No. 90475).
3. **Deny** the appeal and **Uphold** the Hearing Officer's decision to **Deny** Conditional Use Permit No. 290030 (Kearny Villa – PTS No. 90486).
4. **Deny** the appeal and **Uphold** the Hearing Officer's decision to **Deny** Conditional Use Permit No. 292612 (Federal Boulevard – PTS No. 91175).
5. **Deny** the appeal and **Uphold** the Hearing Officer's decision to **Deny** Conditional Use Permit No. 357727 (Mini Storage – PTS No. 107501).
6. **Deny** Conditional Use Permit No. 296127 and Site Development Permit No. 452327 (30th Place – PTS No. 92067).
7. **Deny** Conditional Use Permit No. 296155 and Planned Development Permit No. 296156 (Aviation – PTS No. 92076).
8. **Recommend** that the City Council **Deny** Conditional Use Permit No. 292627 and Site Development Permit No. 450714 (Mt. Ada – PTS No. 91178).

Community Planning Group Recommendation:

1. On March 8, 2006, the Otay Mesa-Nestor Community Planning Committee voted 14-0-0 to recommend approval of Project No. 90455 for **Verus** (Attachment A-7).
2. On February 15, 2006, the Kearny Mesa Community Planning Group voted 10-0-1 to recommend approval of Project No. 90475 for **Yolanda** (Attachment B-7). Additionally, due to the location of the project site on the border of Serra Mesa, the Serra Mesa Planning Group submitted a letter recommending approval of the project if the facility is redesigned to comply with the Land Development Code (Attachment B-8).
3. On April 19, 2006, the Kearny Mesa Community Planning Group voted 10-0-0 to recommend approval of Project No. 90486 for **Kearny Villa** (Attachment C-7).

4. On March 6, 2006, the City Heights Area Planning Committee voted 10-2-0 to recommend approval of Project No. 91175 for **Federal**. Their vote included a recommendation to improve the landscape on site and also to provide suitably located street trees (Attachment D-7).
5. The applicant has not yet presented **Mini Storage** to the City Heights Area Planning Committee for a recommendation.
6. On March 27, 2006, American Tower met with the Technical Subcommittee of the Southeastern San Diego Planning Committee on **30th Place**. They requested additional information on landscape and replacement of the existing chain link fence with wrought iron. American Tower has not been able to present to the Southeastern San Diego Planning Committee to date.
7. American Tower has not yet presented **Aviation** to the Skyline Paradise Hills Community Planning Committee for a recommendation.
8. On March 21, 2006, the Clairemont Mesa Planning Committee voted 14-0-0 to recommend denial of Project No. 91178 for **Mt. Ada** (Attachment X).

Environmental Review:

1. Project No. 90455 (Verus Street) was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on January 13, 2006.
2. Project No. 90475 (Yolanda Avenue) was determined to be categorically exempt from CEQA pursuant to Article 19 Section 15301 on February 13, 2007.
3. Project No. 90486 (Kearny Villa Road) was determined to be categorically exempt from CEQA pursuant to Article 19 Section 15301 on March 1, 2007.
4. Project No. 91175 (Federal Boulevard) was determined to be categorically exempt from CEQA pursuant to Article 19 Section 15301 on February 22, 2007.
5. Project No. 107501 (Mini Storage) was determined to be categorically exempt from CEQA pursuant to Article 19 Section 15301 on August 15, 2006.
6. Project No. 92067 (30th Place) was determined to be categorically exempt from CEQA pursuant to Article 19 Section 15301 on February 8, 2006.
7. Project No. 92076 (Aviation) was determined to be categorically exempt from CEQA pursuant to Article 19 Section 15301 on March 1, 2007.

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8. Project No. 91178 (Mt. Ada) was determined to be categorically exempt from CEQA pursuant to Article 19 Section 15301 on January 23, 2006.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from deposit accounts maintained by the applicant.

Code Enforcement Impact: Neighborhood Code Compliance was notified of the expired permits and has been monitoring their progress through the discretionary process over the past couple of years.

Housing Impact Statement: None associated with this project.

BACKGROUND

These wireless communication facilities are all existing and were approved more than ten years ago by either the Planning Commission or the City Council. The permits were issued to a specific wireless carrier for a period of ten years, but during that time frame the facilities were sold to a pole manager. American Tower Corporation (ATC) is now the owner and is attempting to obtain approval of new permits for each of these sites.

The original CUP's for these projects approved some of the last monopoles in the City. These projects include five Process 3's that were denied by the Hearing Officer and have been appealed by American Tower, two Process 4's and one Process 5, requiring a recommendation from Planning Commission. The eight projects are described in more detail as follows:

Process 3 – Appealed Projects

Verus Street – CUP No. 289921. The 90 foot high pole and 200 square-foot equipment shelter is located at 2222 Verus Street (Attachments A-1,2). The property is zoned IL-2-1 and it is designated for industrial use in the Otay Mesa-Nestor Community Plan (Attachment A-3). The pole currently has one tenant, Sprint Nextel, whose nine panel antennas are situated at 67 feet, leaving the upper 23 feet unused (Attachment A-6). The original CUP/CDP (94-0471) permitted up to three omni antennas and 12 panel antennas when it was approved on July 27, 1995 by the Planning Commission (Attachment A-9). The facility, as it exists, complies with the development regulations for the IL-2-1 zone. The existing tower would not require a Coastal Development Permit, however, if the project is redesigned, it will be subject to the coastal development regulations. Surrounding uses include industrial to the north, east and south. Interstate-5 is to the west with the San Diego Swiss Club beyond (Attachment A-1). This project, as proposed, is classified as a major telecommunication facility and requires a Conditional Use Permit due to the fact that it does not comply with the Communication Antenna regulations (Section 141.0405 of the LDC-Attachment I). On April 4, 2007, the Hearing Officer denied this project based on the inability to make the appropriate

findings in the affirmative.

Yolanda Avenue – CUP No. 289973. This project includes a 200 square-foot equipment shelter straddled with seven antennas mounted above the shelter on poles at approximately 15 feet in height located at the terminus of Yolanda Avenue above Interstate-15 in the Kearny Mesa Community Plan area (Attachments B-1,2). The property is zoned RS-1-1 and IL-2-1 and it contains steep slopes, sensitive vegetation and a portion is mapped MHPA. The Kearny Mesa Community Plan designates the site for Open Space (Attachment B-3). The original CUP (94-0527) permitted up to three omni antennas and 12 panel antennas when it was approved July 27, 1995 by the Planning Commission (Attachment B-10). The facility, as it exists, complies with the development regulations for the RS-1-1 zone, where the actual facility is located. Surrounding uses include single unit residential to the west, vacant residentially and industrially zoned properties to the north, south and east with the Southern Pacific Pipeline oil tanks at the bottom of the slope adjacent to Interstate-15 (Attachment B-1). This project poses a significant visual impact on the horizon when viewed from below or from across the canyon, therefore, it is classified as a major telecommunication facility and requires a Conditional Use Permit (Section 141.0405 of the LDC-Attachment I). The site also contains steep slopes and sensitive vegetation. The existing facility would not require an SDP, however if the project is redesigned, it would be subject to the Environmentally Sensitive Lands regulations and an SDP would be required. Additionally, the Communication Antenna regulations also prohibit major telecommunication facilities within one-half mile of another major telecommunication facility. There are two other major telecommunication facilities adjacent to this one. On April 4, 2007, the Hearing Officer denied this project based on the inability to make the appropriate findings in the affirmative.

Kearny Villa Road – CUP No. 290030. The 120 foot high monopole and 200 square-foot equipment shelter is located at 5571 Kearny Villa Road (Attachment C-1,2). The property is zoned IL-2-1 and is designated for industrial use in the Kearny Mesa Community Plan (Attachment C-3). The pole currently supports nine panel antennas at approximately 75 feet. What appears to be another tenant with three panel antennas exists at approximately 62 feet. The upper (approximate) 41 feet of the pole is not being used, although there are two empty antenna racks currently situated on the pole (Attachment C-6). The facility was built under the M-1B zone (previous Code), which had different setback requirements from those of the IL-2-1 zone. As a result, the pole encroaches into the side yard setback approximately three and a half feet and the equipment enclosure encroaches six feet (Attachment C-5). If this project were approved, a Planned Development Permit would be required. The original CUP (94-0479) permitted up to three omni antennas and 12 panel antennas for Nextel and the same number of antennas for another carrier as a way to encourage collocation. The CUP was approved on January 26, 1995 by the Planning Commission (Attachment C-9). Surrounding uses are completely industrial and heavy commercial (Attachment C-3). This project poses a significant visual impact in the community and can be viewed from Highway-163, therefore, it is classified as a major telecommunication facility and requires a Conditional Use Permit (Section 141.0405-Attachment I). Several other towers dot the

Kearny Mesa community, but most are government communication towers and broadcast towers, both of which are regulated differently and a couple of major switch stations for two different wireless companies. On April 4, 2007, the Hearing Officer denied this project based on the inability to make the appropriate findings in the affirmative.

Federal Boulevard – CUP No. 292612. The 100 foot high monopole and 450 square-foot equipment shelter is located at 4586 Federal Boulevard (Attachments D-1,2). The property is zoned IL-3-1 and is designated for industrial use in the Mid-Cities Community Plan (Attachment D-3). The monopole currently has one tenant, Verizon, which has approximately 15 panel antennas (Attachment D-6). The original CUP (94-0627) permitted up to four dish antennas, six omni antennas and 30 panel antennas. The CUP was approved February 2, 1995 by the Planning Commission (Attachment D-9). The facility, as it exists, complies with the development regulations for the IL-3-1 zone. The project site is surrounded by industrial and heavy commercial uses (Attachment D-1). This project poses a significant visual impact in the community and can be viewed from Federal Boulevard and Highway-94, therefore, it is classified as a major telecommunication facility and requires a Conditional Use Permit due to the fact that it does not comply with the Communication Antenna regulations (Section 141.0405 of the LDC-Attachment I). On April 4, 2007, the Hearing Officer denied this project based on the inability to make the appropriate findings in the affirmative.

Mini Storage – CUP No. 357727. The 60 foot high monopole and 150 square-foot equipment room is located at 1529 38th Street (Attachment E-1,2). The property is zoned IL-2-1 and is designated for industrial use in the Mid-Cities Community Plan (Attachment E-3). The monopole currently has one tenant, Sprint Nextel, with Nextel at the top of the pole with nine panel antennas and Sprint at about the 35 foot height with six panel antennas (Attachment E-6). This site is a little different from the others in that there are multiple permits issued for various components and to different carriers. The original CUP (94-0330-12) for the monopole was issued to Nextel and permitted up to three omni antennas and 12 panel antennas and a 150 square-foot equipment room and was approved February 1, 1996 by the Planning Commission (Attachment E-8). Sprint, later was approved for nine panel antennas at approximately the 48 foot height and a 94 square-foot area for the equipment cabinets. This approval was issued administratively to Sprint on February 1, 2000. Now that Sprint Nextel has merged, this facility could be evaluated by the company for consolidation. The facility, as it exists, complies with the development regulations for the IL-2-1 zone. South of the property are industrial uses, to the west is industrial and single unit residential, to the north is an elementary school and single unit residential and to the east it is vacant with industrial uses below (Attachment E-1). This project, as proposed, is classified as a major telecommunication facility and requires a Conditional Use Permit due to the fact that it does not comply with the Communication Antenna regulations (Section 141.0405 of the LDC-Attachment I). On April 4, 2007, the Hearing Officer denied this project based on the inability to make the appropriate findings in the affirmative.

American Tower Corporation Appeal

ATC appealed the decision of the Hearing Officer on April 11, 2007 based on factual error and findings not supported (Attachment K). ATC claims that the CUP findings made in the negative were based on the unsupported assertion that the City imposed ten year time limits in order to require replacement of existing facilities. The claim goes on to cite that the City was assuming that carriers should have designed their networks to accommodate the removal or replacement of these towers. ATC believes they had a reasonable expectation that their CUP's would be renewed subject to compliance with conditions. Furthermore, ATC believes their tenants relied on the expectation that the permits would be renewed when they originally constructed their networks.

Staff Response

Please review attachment K to read the four different expiration conditions found in the permits that are the subject of this report. It is difficult to understand how these conditions could be misinterpreted to mean or imply that any of the applicants had reasonable expectations that a permit could be extended or that a facility could remain without legally obtaining the appropriate permits in compliance with current regulations. The whole point of the expiration was to allow a facility to operate with the express intent that if the tower became obsolete, it would be removed and that if technology or legislative changes were made, then these facilities would be modified to accommodate these changes. Each of the carriers signed the CUP's acknowledging that they agreed with the conditions of the permits. The Planning Commission imposed the expiration date in order to have the ability to reassess the facility according to any changes that would occur in the future that could reduce existing impacts to the communities where these facilities are located.

Since these towers were constructed between 10 and 20 years ago, the technology has evolved so that monopoles are no longer necessary as support structures. Due to the demand by many California jurisdictions, design companies have responded by developing many different stealth support structures that blend in to landscapes and environments to ensure that these facilities do not detract from communities. Some design options include clock towers, community identification signs, and water tanks. See Kramer.Firm's Wireless Site Gallery at <http://www.kramerfirm.com/cells/> for additional examples of how far the design industry has come in the last 10 years.

The towers in question were built as network backbones for either Pac Tel Mobile or Nextel. Slightly more than 20 years ago, Pac Tel Mobile (now Verizon) was one of two carriers in San Diego and they had only a handful of sites. The technology was still new and decision makers were unsure of what the future held for this technology. Today, Verizon has approximately 230 sites within the City. Technicians are continuously making adjustments to networks to accommodate new on-air sites, as well as changes in technology and consumer demands. Height reductions at these sites may require additional sites in order to avoid reduced coverage, but a carrier is not going to spend the money on new sites if adjustments to existing facilities can be made.

Nextel entered the San Diego market in 1994. They too, began with a handful of "high" sites and over the years, they have built approximately 235 sites in San Diego. In 2005, Sprint (who has approximately 230 sites) and Nextel merged, and although they each have different technologies (CDMA-Sprint, IDEN-Nextel) with different size needs, they do have opportunities to consolidate and make adjustments to compensate for height reductions.

ATC, on the other hand, is not a carrier, but rather a pole or site manager. Their business model is to acquire or permit facilities and market them as collocation sites. Out of all the towers that are the subject of this report, only two support more than one tenant.

When purchasing these portfolios from the previous tower owners, part of ATC's due diligence would have uncovered the CUP's and the expiration dates. None of the applications for these expired CUP's were submitted to the City until after the expiration date when they were notified by the City. ATC submitted the applications requesting that they be treated as an extension to the original permit. The Land Development Code does not contain provisions for extending permits and these permits all had specific expiration dates expressly included for the reasons stated above.

It is important to note that the City is not requesting that the facilities be removed, but instead that they be redesigned to address the current regulations requiring architectural integration. If these facilities are redesigned to architecturally blend with the landscape, the applicant would be able to utilize the facilities as a collocation site that would provide siting opportunities for other carriers and additional revenue stream for ATC. Reasonable height increases could be considered as part of the review for the new facilities. However, the upper portions of some of these poles are already not being utilized, which substantiates that they can be reduced in height.

Finally, staff has worked very closely with the industry over the past 17 years and more particularly over the past seven years with industry representatives on the Telecommunication Issues Committees (TIC) 1 and 2. Those participating representatives were selected by the industry and although not all carriers were represented at the table, the TIC representatives conducted periodic informational meetings to discuss and update the non-participating carriers on the dialogue between the public, staff and the industry. It is well known that San Diego has not permitted monopolies in at least 10 years. Staff has been very clear with all of the carriers that monopolies were being phased out. Sprint Nextel and Verizon are both experienced with the City policies and regulations pertaining to wireless communication facilities and neither company has proposed a monopoly in the past 10 years. The previous Communication Antenna regulations (141.0405-Attachment I) were in effect for more than seven years and architectural integration was the basis upon which they were developed.

Process 4 – Planning Commission Decision

→ **30th Place – CUP No. 296127/PPD No. 452327.** The 130 foot high monopole and 500 square foot equipment shelter is located at 797 1/3 30th Place (Attachments F-1,2). The property is zoned MF-3000 and is within the Southeastern San Diego Community Plan (Attachment F-3). The monopole currently has one tenant, Verizon, which has 15 panel

antennas, an omni antenna and eight microwave dishes (Attachment X). The original CUP (84-0469) was approved November 20, 1984 by the City Council and did not specify the number of allowed antennas (Attachment F-8). The facility, as it exists, complies with the development regulations for the MF-3000 zone with the exception of the 30 foot height limit, thus the requirement for the SDP. To the south, east and west, there are single unit residential uses and Highway-94 is immediately to the north (Attachment F-1). This project poses a significant visual impact to the heavily traveled Highway-94 and to the surrounding communities of Southeastern San Diego and Golden Hill as it is the highest feature on the horizon. As such, the project is classified as a major telecommunication facility and requires a CUP.

Aviation – CUP No. 296155/PDP No. 296156. The 130 foot high monopole and 550 square foot equipment shelter is located at 6770 Aviation Drive (Attachments G-1,2). The property is zoned RS-1-7 and is designated for Low-Density Residential in the Skyline Paradise Hills Community Plan (Attachment G-3). The monopole currently has one tenant, Verizon, which has 28 antennas and seven microwave dishes. The CUP (84-0472) was approved on November 20, 1984 by the City Council (Attachment G-8). The facility, as it exists, complies with the development regulations for the RS-1-7 zone with the exception of the 30 foot height limit, thus the requirement for the PDP. The site is situated prominently on a hilltop surrounded by single unit residential homes (Attachment G-1). The site supported a City water tank at one time, but now is home to three monopoles, including the American Tower facility (Attachment G-6). The City currently has a 105 foot high monopole supporting city communication equipment and also, T-Mobile as a tenant. The third monopole belongs to Nextel and it is 90 feet high. It expired on June 1, 2005. Nextel is currently in the review process with a proposal to replace the tower with a 50 foot high faux tree, which will be used as a collocation facility with Sprint.

During the review of this project, staff requested ATC to collaborate with the other carriers, as well as the City to develop a collocation facility that complied with current regulations. The solution American Tower devised consisted of a 180 foot high steel lattice tower, which would support all of the existing carriers as well as any new carriers. After reviewing the design, staff decided separate facilities at a lower scale would be more appropriately sited and better able to integrate into this hilltop site. All three existing monopoles are visible to the surrounding community. This project, like the other two towers, is classified as a major telecommunication facility and does not conform to the Communication Antenna regulations due to the lack of integration into the environment and the proximity to the other two major telecommunication facilities.

The intent of a PDP is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations. These two monopoles do not meet the purpose or the intent of the PDP regulations. Similar to the other five appealed monopoles, these monopoles do not comply with the Communication Antenna regulations.

Process 5 – Planning Commission Recommendation to City Council

→ **Mt. Ada – CUP No.292627/SDP No. 450714.** The 145 foot high monopole and 572 square foot equipment shelter is located at 6426 Mt. Ada Road (Attachments H-1,2). The property is zoned CC-1-3 and is designated for Commercial Community Core in the Clairemont Mesa Community Plan (Attachment H-3). The monopole currently has one tenant, Verizon, and supports two separate racks of antennas totaling 30 panel antennas and three microwave dishes (Attachment H-6). The site also contains a generator. The original CUP (83-0629), issued to Pac Tel Mobile, permitted a 145 foot high pole and a 572 square foot equipment shelter, but did not specify the number of antennas. It was approved by the City Council on November 20, 1984 (Attachment H-9). Surrounding uses include multi-unit residential units to the south and commercial uses to the east, west and north. Large residential subdivisions exist beyond the multi-unit residential to the south and there is an elementary school approximately 500 feet to the east of the project site (Attachment H-1). The tower poses a significant visual impact to travelers along Balboa Avenue and to the residential areas surrounding the facility. Because of the flat topography, it can be viewed from great distances around the community and is therefore classified as a major telecommunication facility.

The Clairemont Height Limitation Overlay zone does not permit structures over 30 feet in height without City Council approval of an SDP. This overlay zone was originally applied to the bay view areas in Clairemont, but in 1997, it was extended to cover all of the Clairemont Mesa community. An SDP is a special permit used when a proposed development would have a significant impact on the surrounding area. The intent is to ensure that the development would not adversely affect the community plan and to ensure that all development regulations are met. Neither the SDP findings nor the supplemental findings that pertain specifically to Clairemont Mesa can be made in the affirmative.

DISCUSSION

Ten years ago, the City imposed expirations with most CUP's including telecom CUP's in order to reassess the technology and other changing circumstances that would occur over the ensuing years. Since the original approvals of these CUP's, many changes have taken place with regard to wireless facilities within the City of San Diego. In 1994, the City adopted Council Policy 600-43, which identified the general policies relevant to the aesthetics of this new emerging technology. In 2000, the language in Council Policy 600-43 regarding aesthetics, was codified when the Land Development Code was adopted. During that time, the City Council appointed a task force, the Telecommunication Issues Committee (TIC) comprised of three industry representatives and three community members to analyze issues associated with wireless facilities and report back with recommendations to address concerns over location and aesthetics. No sooner did the report come out and the City Council requested TIC2 to reconvene to analyze existing nationwide wireless policies to address specific controversial issues identified by a local activist group. Altogether, TIC

1 and 2 met over a period of five years. During that time, they rewrote Council Policy and the City's wireless ordinance to address the major controversial issues associated with these types of facilities. They reported to Land Use and Housing four times, twice to Planning Commission and altogether, four reports were made to City Council. The new regulations recently received Coastal Commission certification and became effective for new projects submitted after April 11, 2007.

These projects fall under the previous regulations, Section 141.0405, Communication Antennas, which also require architectural and visual integration of wireless facilities (Attachment I). Assessment letters were provided to the applicant explaining that the project sites needed to be redesigned in order to comply with these regulations. Revisions were not submitted and the applicant has agreed to go forward to a public hearing to present technical evidence demonstrating why the facility could not be modified.

These monopolies were established as the foundation for the development of the carriers' networks. Subsequent sites were developed based on these locations and the technological contributions these sites provided to the network. The decision makers were concerned about the unsightly visual impacts these facilities had on the landscape of the city, but at the time the technology was too new and neither the decision makers, staff, nor the industry were aware of design opportunities that could be employed to mitigate the appearance. As a consequence, the decision makers inserted a ten or twenty-year expiration into the permits to coincide with the anticipated changes in technology so that the facilities could be redesigned to comply with the current regulations in effect. Those CUP contracts were signed by each of the permittees and although the permittees have changed, the CUP runs with the land and ATC is subject to the original CUP contract. The permits contained conditions regarding removal of the facilities upon expiration unless a new application in compliance with current regulations

Since submitting these applications, ATC, along with other representatives of the wireless industry, met with the Mayor's Office to address several significant issues, including developing design guidelines, ensuring consistent processing and developing a renewal process for towers as well as building collocations. The industry was told that the Code does not have provisions for extensions and that was not something that could be pursued at this point since the new wireless ordinance was still not in effect. Consideration of such a measure would be analyzed one year after the effective date of the ordinance at which time staff is scheduled to report back to the City Council, therefore, it would not have a bearing on the outcome of these permits. Additionally, staff along with industry input did develop design guidelines that are now posted to the City's website at <http://www.sandiego.gov/development-services/industry/pdf/telecomguide.pdf>.

ATC has indicated that in order to accommodate any reductions in height to their facilities, they would be forced to install additional sites in residential areas. The reality is that Council Policy 600-43 requires an applicant to demonstrate that a facility could not be located in one of three preferred land use categories that are more favorable for these types of uses. Residentially used properties are the least preferred and as such it would be difficult to establish that there are not any non-residentially used sites available for their use. The uses of non-residentially used property as well as

the public right-of-way are both options that would have to be explored before residential property would be considered. Additionally, Kearny Villa and Verus Street do not utilize the upper portions of their poles, demonstrating that those facilities, in particular, could be reduced in height.

Community Plan Analysis:

With the exception of the Mid-City Communities Plan, which recommends using all available means to conceal communication antennas from view, neither the City of San Diego Progress Guide and General Plan nor any of the other effected community plans contain goals, objectives, or recommendations that specifically address wireless telecommunications facilities and their placement within the respective communities. Many of the Plans do, however, contain other elements such as Urban Design that address the enhancement of the physical environment, visual appearance and identity through aesthetic improvements. Monopoles and other non-integrated structures do not comply with these policies and would therefore adversely affect the goals, objectives and recommendations contained within the specific plans.


Conclusion:

Staff has reviewed each of the requests for these expired facilities and has determined that none of them comply with the Communication Antenna regulations, the SDP or PDP regulations or with Council Policy 600-43. Each of these facilities contributes to a significant visual impact in the community in which it is located. American Tower has declined to modify any of the projects to comply with the regulations to minimize visibility by integrating the facilities into the landscape and as such, the findings to support the projects cannot be made and staff is unable to recommend approval of the projects. Therefore staff recommends that the Planning Commission uphold the decision of the Hearing Officer and deny the five Process 3 CUP's; deny the two Process 4 CUP/PDP's; and recommend denial to the City Council of the one Process 5 CUP/SDP.

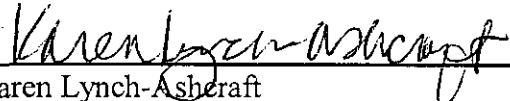
ALTERNATIVE

Continue these projects for a period of four weeks in order to allow staff time to prepare draft permits to Approve CUP No.'s 289921 (Verus Street), 289973 (Yolanda Avenue), 290030 (Kearny Villa), 292612 (Federal Boulevard), and 357727 (Mini Storage), and CUP No. 296127/PDP No. 453612 (30th Place), and CUP No. 296155/PDP No. 296156 (Aviation), and CUP No. 292627/SDP No. 450714 (Mt. Ada), with or without modifications.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Karen Lynch-Ashcraft
Project Manager
Development Services Department

ESCOBAR-ECK/KLA

Attachments:

A. Verus Street, PTS No. 90455

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Plans
6. Photos
7. Otay Mesa Nestor Community Planning Committee Recommendation
8. Draft Resolution (CUP Denial)
9. CUP 94-0471
10. Notice of Public Hearing
11. Appeal Application
12. Ownership Disclosure Statement

B. Yolanda Avenue, PTS No. 90475

1. Aerial Photo
2. Project Location Map

000308

3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Plans
6. Photos
7. Kearny Mesa Community Planning Group Recommendation
8. Serra Mesa Planning Group Recommendation
9. Draft Resolution (CUP Denial)
10. CUP 94-0527
11. Notice of Public Hearing
12. Appeal Application
13. Ownership Disclosure Statement

C. Kearny Villa, PTS No. 90486

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Plans
6. Photos
7. Kearny Mesa Community Planning Group Recommendation
8. Draft Resolution (CUP Denial)
9. CUP 94-0479
10. Notice of Public Hearing
11. Appeal Application
12. Ownership Disclosure Statement

D. Federal Boulevard, PTS No. 91175

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Plans
6. Photos
7. City Heights Area Planning Committee Recommendation
8. Draft Resolution (CUP Denial)
9. CUP 94-0627
10. Notice of Public Hearing
11. Appeal Application
12. Ownership Disclosure Statement

E. Mini Storage, PTS No. 107501

1. Aerial Photo
2. Project Location Map

000309

3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Plans
6. Photos
7. Draft Resolution (CUP Denial)
8. CUP 94-0330-12
9. Notice of Public Hearing
10. Appeal Application
11. Ownership Disclosure Statement

- F. 30th Place, PTS No. 92067
1. Aerial Photo
 2. Project Location Map
 3. Community Plan Land Use Map
 4. Project Data Sheet
 5. Project Plans
 6. Photos
 7. Draft Resolution (CUP Denial)
 8. CUP 84-0469
 9. Notice of Public Hearing
 10. Ownership Disclosure Statement

- G. Aviation, PTS No. 92076
1. Aerial Photo
 2. Project Location Map
 3. Community Plan Land Use Map
 4. Project Data Sheet
 5. Project Plans
 6. Photos
 7. Draft Resolution (CUP Denial)
 8. CUP 84-0472
 9. Notice of Public Hearing
 10. Ownership Disclosure Statement

- H. Mt. Ada, PTS No. 91178
1. Aerial Photo
 2. Project Location Map
 3. Community Plan Land Use Map
 4. Project Data Sheet
 5. Project Plans
 6. Photos
 7. Clairemont Mesa Planning Committee Recommendation
 8. Draft Resolution (CUP Denial)

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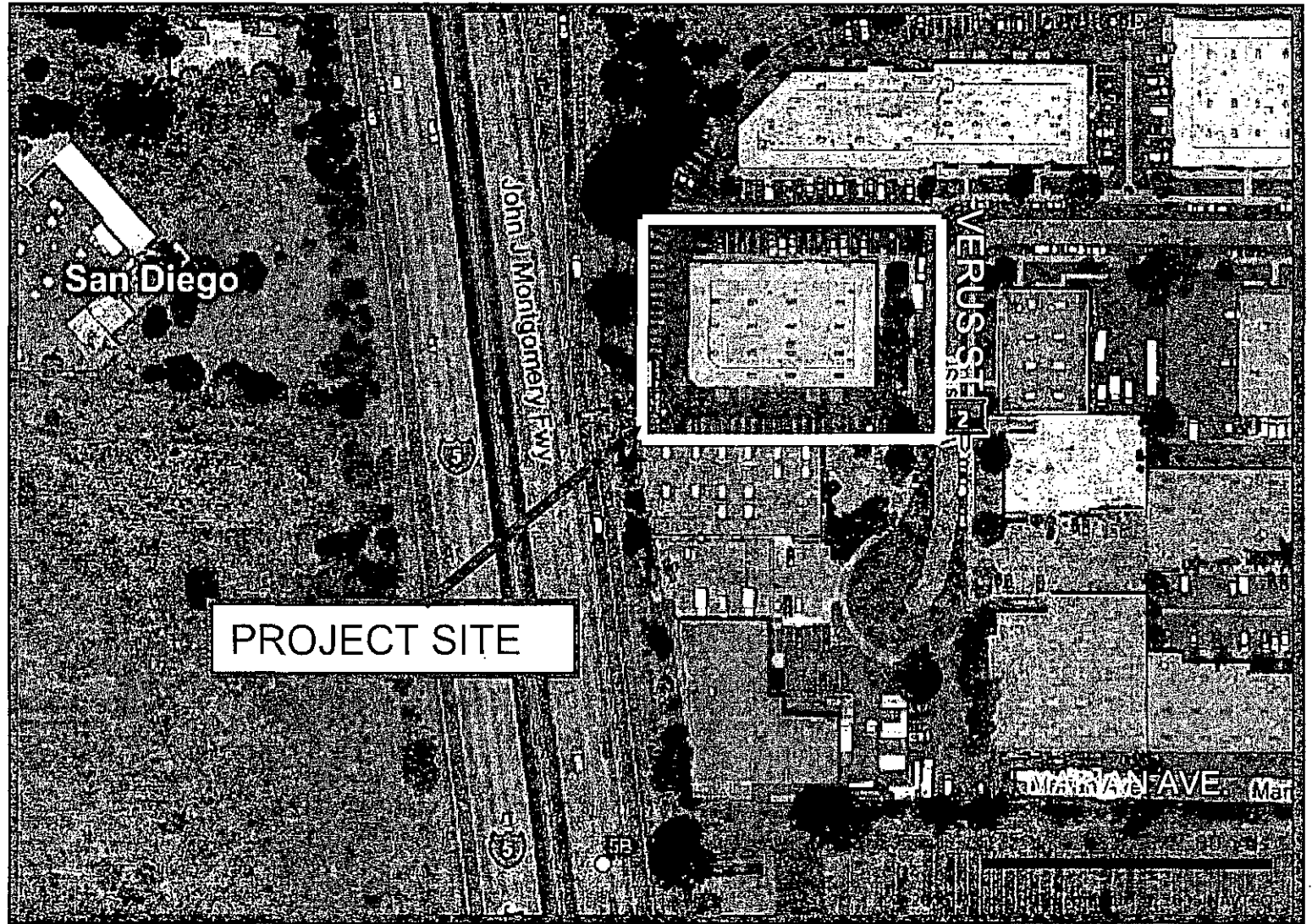
- 9. CUP 83-0629
- 10. Notice of Public Hearing
- 11. Ownership Disclosure Statement

- I. SDMC Section 101.0405
- J. SDMC Section 101.0510
- K. Expiration Conditions
- L. ATC/Verizon/Sprint Nextel Corporate Listing
- M. Quick Glance Project Description

Rev 01-04-07/rh

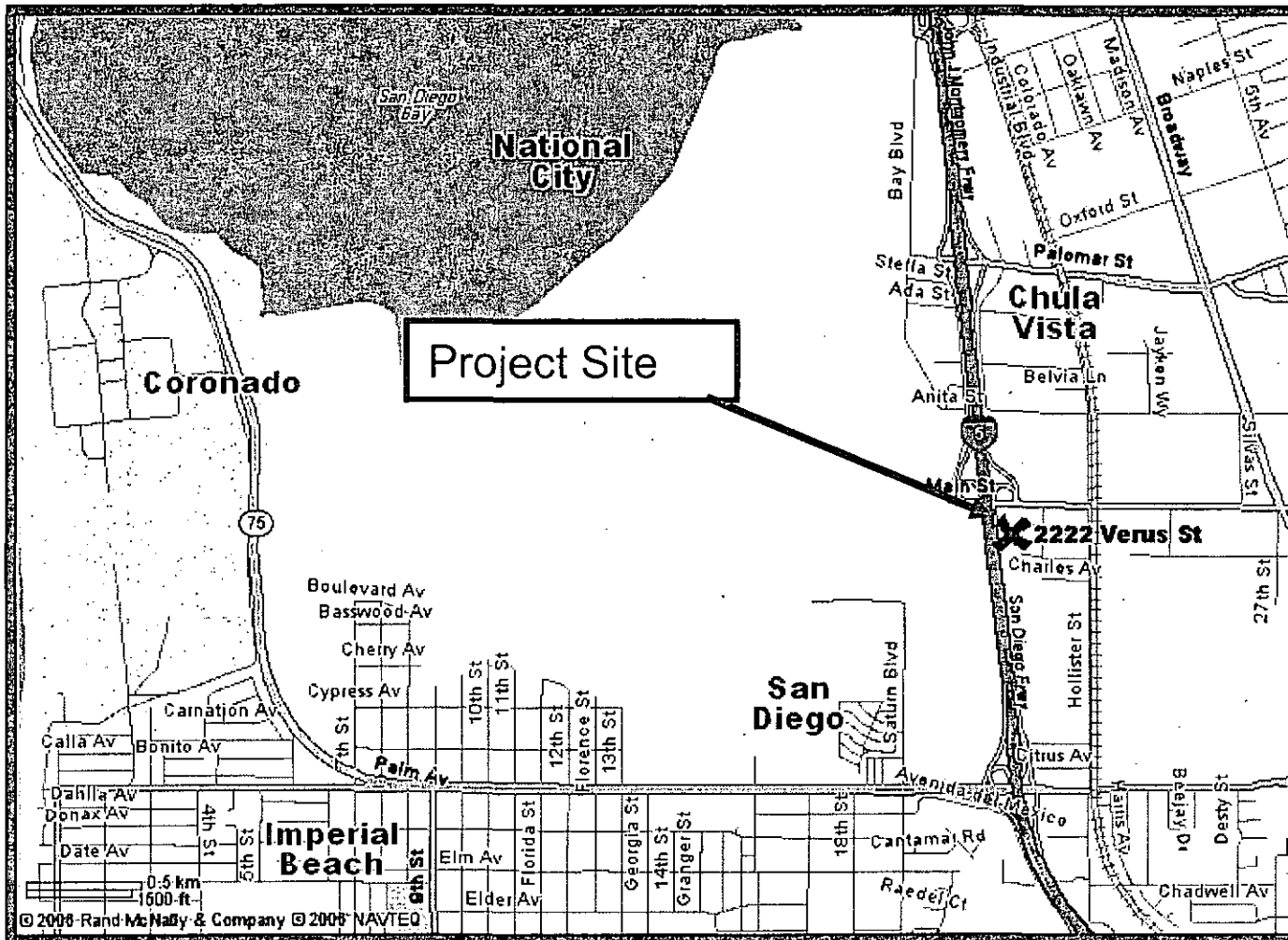
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American Tower
Corporation – Verus
(Nextel)
CUP
Project No. 90455



Aerial Photo
AMERICAN TOWER – VERUS STREET – PROJECT NUMBER 90455
2222 VERUS STREET

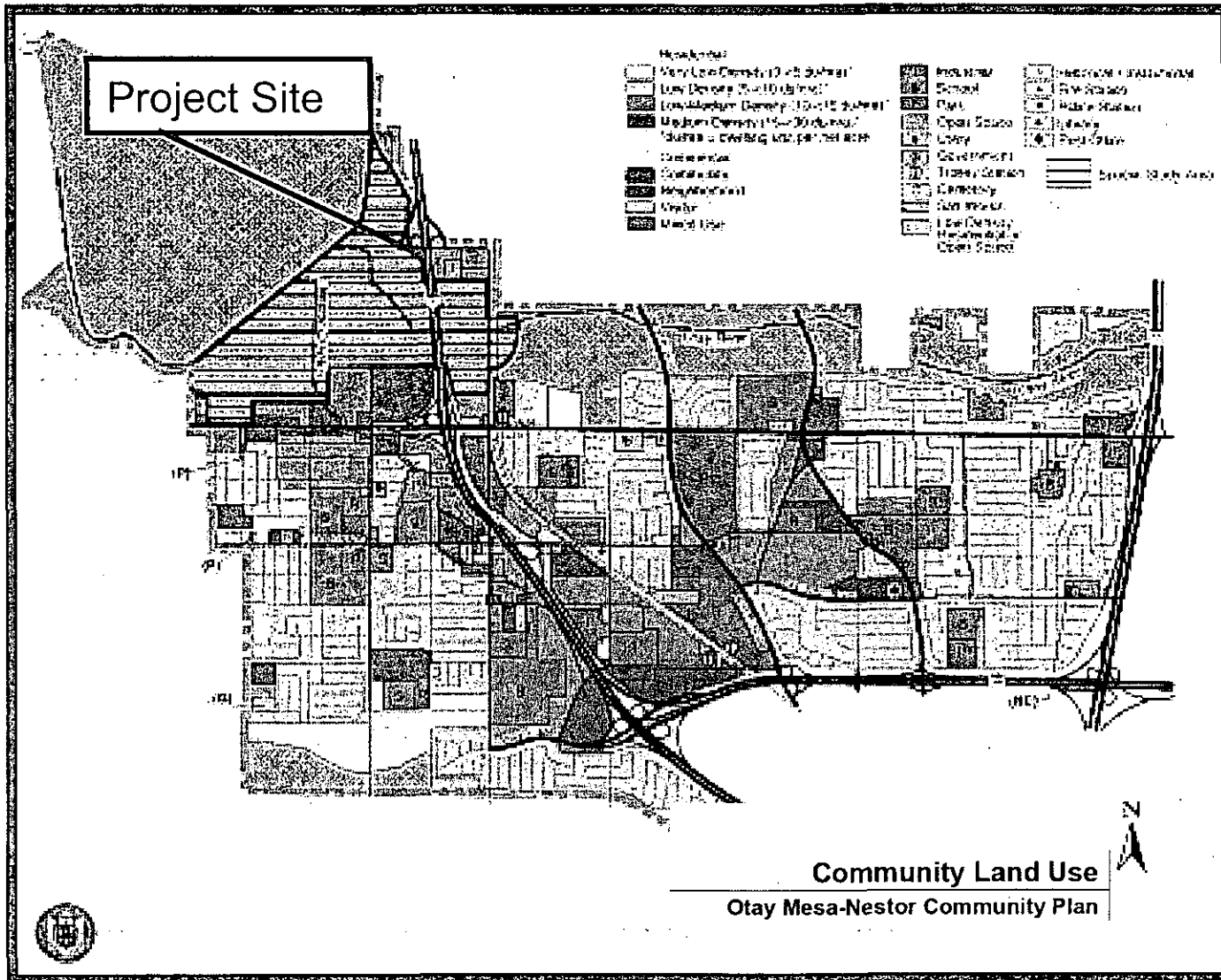




Project Location Map

AMERICAN TOWER – VERUS STREET – PROJECT NUMBER 90455
2222 VERUS STREET





Otay Mesa Nestor Land Use Map

AMERICAN TOWER – VERUS STREET PROJECT NUMBER 90455

2222 Verus Street

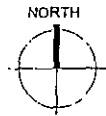
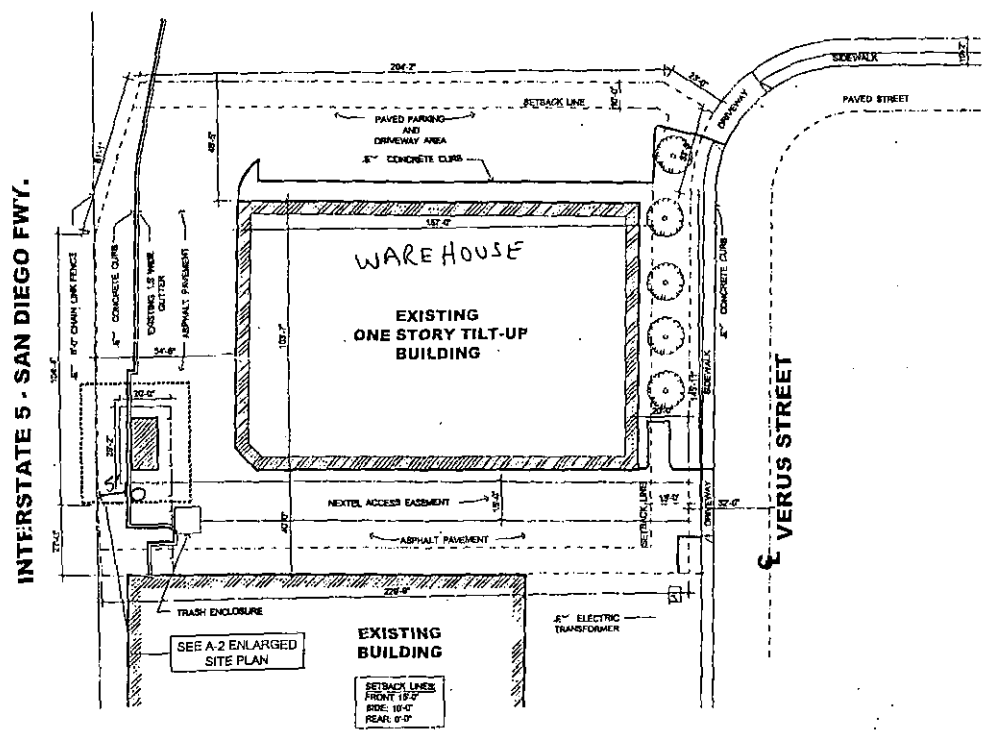


PROJECT DATA SHEET

PROJECT NAME:	American Tower Corporation – Verus Street	
PROJECT DESCRIPTION:	A wireless communication facility consisting of an existing 90 foot high monopole and 200 square foot equipment shelter.	
COMMUNITY PLAN AREA:	Otay Mesa Nestor	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial	
<u>ZONING INFORMATION:</u> ZONE: IL-2-1 HEIGHT LIMIT: None FRONT SETBACK: 15 feet. SIDE SETBACK: 10 feet. REAR SETBACK: 0 feet.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial; IL-2-1.	Industrial
SOUTH:	Industrial; IL-2-1.	Industrial
EAST:	Industrial; IL-2-1.	Industrial
WEST:	Open Space/Special Study Area; AR-1-2.	Vacant/ San Diego Swiss Club
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On March 8, 2006, the Otay Mesa Nestor Community Planning Committee voted 14-0-0 to recommend approval of CUP No. 289921.	

2254 176

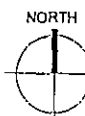
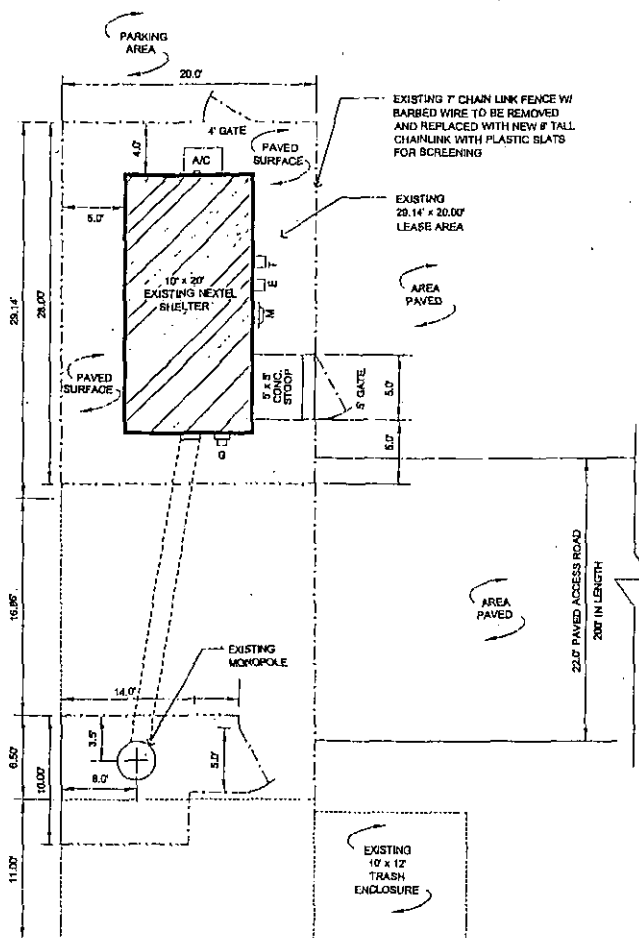
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SITE PLAN		SCALE 																																																																			
		SITE: 302254 ID: CA 5141 PALM CITY 2222 VERUS STREET SAN DIEGO, CA 91911	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> <th>BY</th> <th>CHK</th> <th>APPD</th> </tr> <tr> <td>1</td> <td>11/25/05</td> <td>PREPARED FOR APPLICATION</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>7</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>8</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>10</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	NO.	DATE	REVISION	BY	CHK	APPD	1	11/25/05	PREPARED FOR APPLICATION				2						3						4						5						6						7						8						9						10					
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AMERICAN TOWER		SITE PLAN PROJECT NAME: _____ SHEET NUMBER: A-1 OF 1																																																																			

INTERSTATE 5 - SAN DIEGO FWY.

PROPERTY LINE



ENLARGED SITE PLAN



SITE: 302254
ID: CA 5141 PALM CITY
2222 VERUS STREET
SAN DIEGO, CA 91911

NO.	DATE	REVISION	BY	CHK	APP'D
1	11-28-05	REVISION FOR CDP APPLICATION			
SCALE	AS SHOWN	DEVELOPER	DATE	BY	APP'D

SCALE 1" = 10' 0"

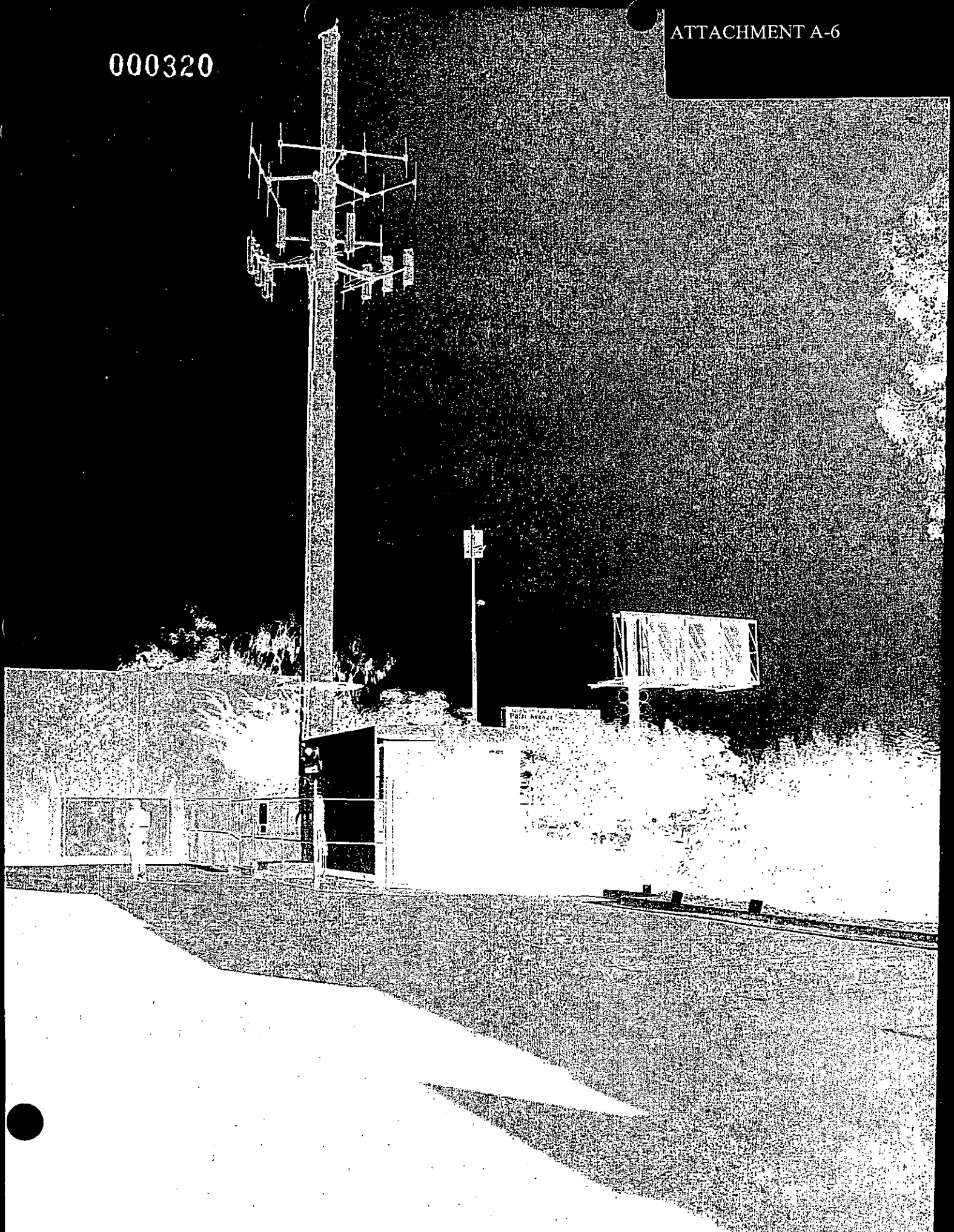
ENLARGED SITE PLAN

A-2

21/11 7' 5/2"

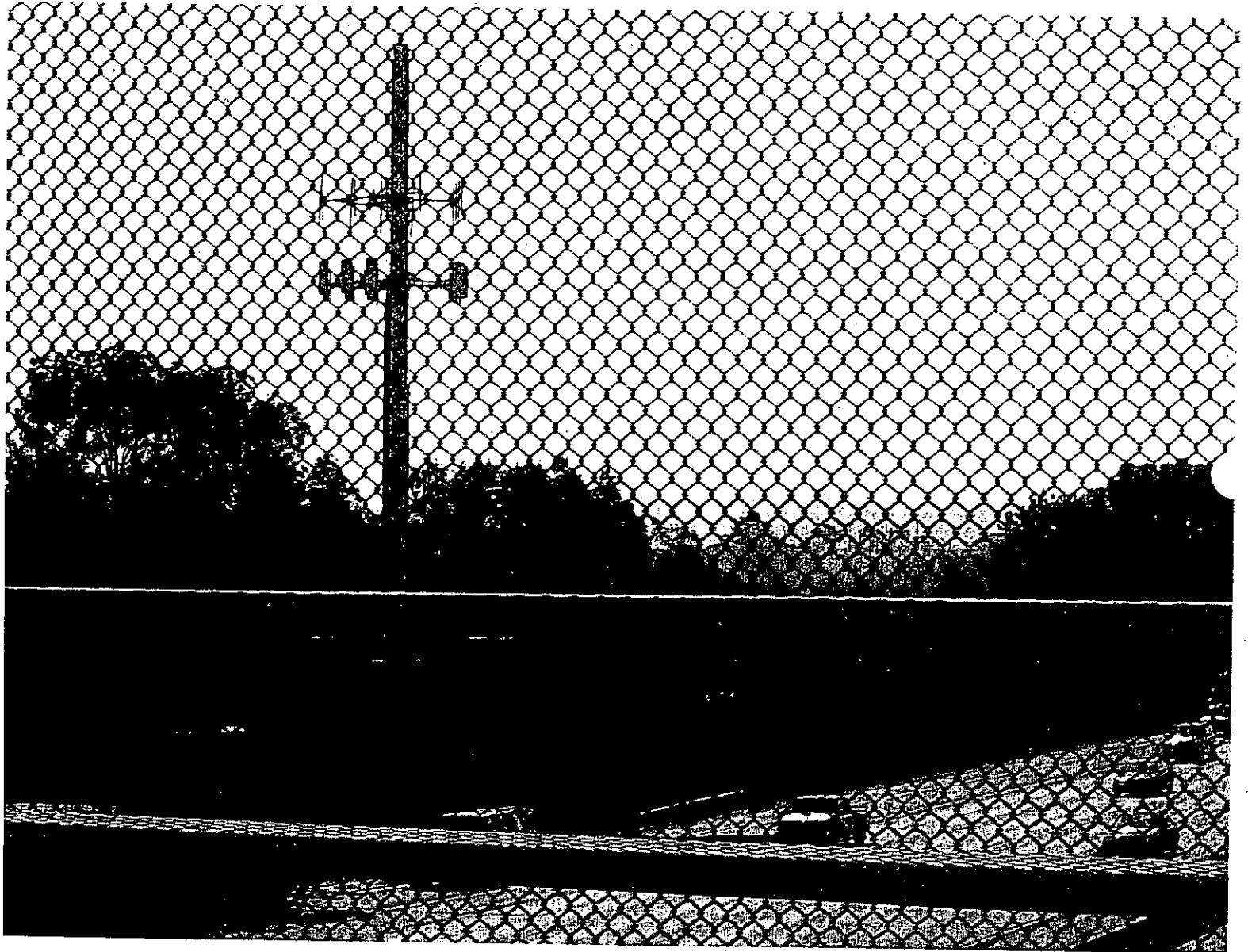
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ATTACHMENT A-6



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ATTACHMENT A-6





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City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5210

Community Planning Committee Distribution Form Part 2

Project Name : SPRINT VERSUS STREET		Project Number 90455	Distribution Date 12-02-05
Project Scope : OTAY MESA - NESTOR.. JO # 42-5667.. CUP / PDP to renew existing CUP # 94-0471.			
Project Location 2222 Verus St (pending)			
Applicant Name: Doug Kearney		Applicant Phone No. (949) 442-6406	
Related Projects			
Project Manager Karen Lynch-Ashcraft	Phone Number (619) 446-5351	Fax Number (619) 446-5499	E-mail Address KLynchAshcraft@sandiego.gov
Community Plan OTAY MESA - NESTOR	Council District		
Existing Zone	Proposed Zone	Building Height	Number of Stories
FAR			
Committee Recommendations (To be completed for Initial Review):			
Vote to Approve	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes 14	Members No 0	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: AS IT EXISTS TODAY			
NAME JAN JOHNSTON		TITLE CHAIRMAN	
SIGNATURE Jan Johnston		DATE 03-08-06	
Attach Additional Pages If Necessary. Please Return Within 30 Days of Distribution of Project Plans To: Project Management Division City Of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101			

PLANNING COMMISSION
RESOLUTION NO.
CONDITIONAL USE PERMIT NO. 289921
AMERICAN TOWER – VERUS STREET
PROJECT NO. 90455

WHEREAS, ARO Partners, Owner and American Tower, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 289921), on portions of a .98 acre site;

WHEREAS, the project site is located at 2222 Verus Street in the IL-2-1 zone of the Otay Mesa-Nestor Community Plan;

WHEREAS, the project site is legally described as that portion of Lot 23 and 26 of Big Sky Industrial Park, Map No. 9993 filed in the Office of the Recorder of San Diego County, February 9, 1981;

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 289921 pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 28, 2007.

FINDINGS:

Conditional Use Permit - Section 126.0305

1. **The proposed development will not adversely affect the applicable land use plan;**

This facility was originally approved by the Planning Commission on July 27, 1995. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Otay Mesa Nestor Community Plan addresses wireless communication facilities as a specific land use.

2. **The proposed development will not be detrimental to the public health, safety, and welfare;**

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of

the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

This facility was originally approved by the Planning Commission on February 27, 1995. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the monopole is the tallest structure in and around the area in which it is located and as such, it has an incongruous effect on the community's landscape. It is situated prominently along Interstate-5, which serves as a major north south transportation corridor and it poses an unsightly visual impact for commuters that utilize this corridor.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Verus Street project does not conform to this code requirement. As it exists, it is a significant visual impact along Interstate-5, which serves as a major transportation corridor through the city. Many commuters pass through this section of the city on a daily basis and are subjected to the unsightliness associated with the project.

Additionally, the regulations limit the number of major telecommunication facilities so that no more than one facility can be within a half-mile of another major telecommunication facility. Another monopole exists in the City of Chula Vista on Anita Street, less than half a mile away.

Therefore, the project does not comply to the maximum extent feasible, with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate these types of facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the property and takes into consideration the surroundings and the proximity to Interstate-5 would be more appropriately located on this property.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 289921 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee.

Karen Lynch-Ashcraft
Development Project Manager
Development Services

Adopted on: June 28, 2007

Job Order No. 42-5667

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DOC # 1995-0400419
08 SEP-1995 01:27 PM

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER

RF: 12.00 FEES: 28.00
AF: 15.00
MF: 1.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT/CONDITIONAL USE PERMIT NO. 94-0471
PLANNING COMMISSION

This Coastal Development/Conditional Use Permit is granted by the Planning Commission of the City of San Diego to THE CITY OF SAN DIEGO, Owner, NEXTEL COMMUNICATIONS, INC., Permittee, pursuant to Sections 105.0201 and 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a cellular communications facility, located at 2222-2252 Verus Street, also described as Lot 23, Big Sky Industrial Park, Map No. 9993, in the M-1B Industrial Zone.

2. The facility shall consist of the following:

- a. A 90-foot-high monopole with three 12'-0" whip antennas and up to 12 vertical panel antennas mounted on the monopole;
- b. A 200-square-foot equipment building;
- c. One off-street parking space allocated to this facility on site;
- d. Accessory uses as may be determined incidental and approved by the Planning Commission.

3. No fewer than 62 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated July 27, 1995, on file in the office of the Development Services Department, Development and Environmental Planning (DEP) Division.

4. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Development Services Department, DEP Division;

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- b. The Conditional Use Permit is recorded by Development Services Department in the office of the County Recorder.

5. Before issuance of any building permits, building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformance to Exhibit "A," dated July 27, 1995, on file in the office of the Development Services Department, DEP Division. No change, modifications or alterations shall be made unless findings of substantial conformance review or amendment of this permit shall have been granted.

6. Prior to the issuance of any building permits, the applicant shall ensure that building address numbers are visible and legible from the street (UFC 10.208).

7. Before issuance of any building permits, complete landscape plans shall be submitted to the Development Services Director for approval. Plans shall be in conformance with the Exhibit "A" dated July 27, 1995.

8. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

9. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 111.1122 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

11. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

12. This Conditional Use Permit will expire ten years from the effective date of the approved permit, unless a new application for a Conditional Use Permit is submitted to the Development Services Department, DEP Division, 90 days in advance of the expiration date as stated herein:

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- a. Should the new permit application be denied by the Development Services Department Director/Planning Commission, this permit will automatically expire 90 days from the date of action by the approving authority; and
- b. The permittee shall cease and desist all activity on the site within 90 days from the date of action by the approving authority.
- c. The permittee shall return the site to it's original condition within 90 days from the date of action by the approving authority.

13. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

14. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

15. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

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16. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the Planning Commission on July 27, 1995.

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PLANNING COMMISSION RESOLUTION NO. 2203-PC
GRANTING COASTAL DEVELOPMENT/CONDITIONAL USE PERMIT NO. 94-0471

WHEREAS, on July 27, 1995, CITY OF SAN DIEGO, Owner, NEXTEL COMMUNICATIONS, INC., Permittee, filed an application for a Conditional Use Permit to construct and operate a cellular communications facility located at 2222-2252 Verus Street also described as a portion of Lot 23, Big Sky Industrial Park, Map No. 9993, in the M-1B Industrial Zone; and

WHEREAS, on July 27, 1995, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 94-0471, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

1. That the Planning Commission adopted the following written Findings, dated July 27, 1995:

COASTAL DEVELOPMENT PERMIT FINDINGS:

- A. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AN ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.

The project is not located adjacent to any public or proposed public accessway or view corridor identified in any adopted LCP Land Use Plan.

- B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.

The project will be constructed on a developed site that is not adjacent to marine resources, environmentally sensitive areas, archaeological or paleontological resources.

- C. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS

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SET FORTH IN THE RESOURCE PROTECTION ORDINANCE, CHAPTER X, SECTION 1010.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.

The project site is not adjacent to biological sensitive lands or prehistoric and historic resources.

- D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.

The project site is not located adjacent to recreational or visitor-serving facilities or coastal scenic resources.

- E. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.

The project site is designated for an industrial zone development by the General Plan and the Otay Mesa-Nestor Community Plan. Existing perimeter landscaping and neutral colors on exterior surfaces will allow the fence, equipment building and monopole to blend with surrounding vistas.

- F. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.

The proposed development which fulfills community needs are permitted in industrial and other zones by conditional use permit. The project, as designed, will not adversely impact the General Plan nor the Otay Mesa-Nestor Community Plan.

CONDITIONAL USE PERMIT FINDINGS:

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.

The project site is designated for an industrial zone development by the General Plan and the Otay Mesa-Nestor Community Plan. Nevertheless, particular uses which fulfill individual and community needs are permitted in industrial and other zones by conditional use permit. This facility will be a part of a communication network that is being established by Nextel to serve the City. This project will not

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adversely impact the General Plan nor the Otay Mesa-Nestor Community Plan. Existing perimeter landscaping and neutral colors on exterior surfaces will allow the fence, equipment building and monopole to blend with surrounding vistas.

- B. THE PROPOSED USE, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.

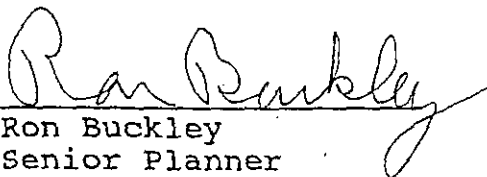
Radio frequency energy transmission from the proposed whip antennas and panels would not result in significant health and safety risks to the surrounding area. The transmissions would have a maximum of 6.50 microwatts per square centimeter, well below the accepted safety standard of 567 microwatts per square centimeter established by the American National Standards Institute and the National Council on Radiation Protection.

- C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

The project complies with all relevant Municipal Code regulations. All outdoor lighting will be shaded and adjusted so that adjacent residences are not impacted. One parking space will be provided for Nextel's use and will meet the parking requirement for this project.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 94-0471 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Conditional Use Permit No. 94-0471, a copy of which is attached hereto and made a part hereof.

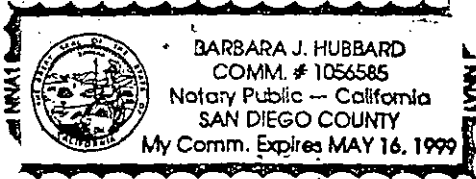

Ron Buckley
Senior Planner


Linda Lugano
Planning Commission Secretary

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ALL-PURPOSE CERTIFICATE

ATTACHMENT A-9

Type/Number of Document CUP 94-0471 869Date of Approval July 27, 1995STATE OF CALIF. 000333

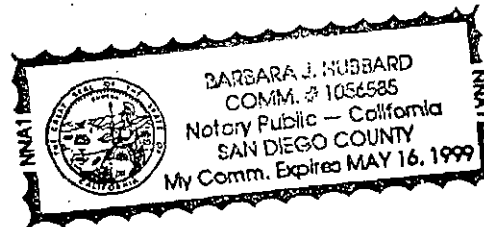
COUNTY OF SAN DIEGO

Ron Buckley
 Ron Buckley, Senior Planner

On August 30, 1995 before me, BARBARA J. HUBBARD (Notary Public), personally appeared RON BUCKLEY, Senior Planner of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard
 Barbara J. Hubbard



(Seal)

PERMITTEE(S) SIGNATURE/NOTARIZATION:

I, UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

NEXTEL COMMUNICATIONS, INC.

Signed Gary Barton
 Typed Name Gary Barton NEXTEL COMM.

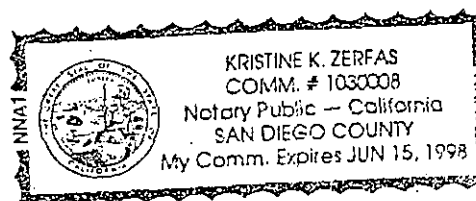
Signed _____
 Typed Name _____

STATE OF CaliforniaCOUNTY OF San Diego

On September 5th before me, Kristine K. Zervas (Name of Notary Public) personally appeared Gary Barton, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Kristine K. Zervas



(Seal)

ORIGINAL



000334

THE CITY OF SAN DIEGO

Date of Notice: June 14, 2007

**NOTICE OF PUBLIC HEARING
APPEAL TO PLANNING COMMISSION**

Job Order Number: 42-5667

As a property owner, tenant, or person who has requested notice, you should know that a public hearing will be held by the Planning Commission to consider an appeal on an application for a wireless communication facility consisting of an existing 90 foot high monopole and a 200 square foot equipment shelter, originally approved by CUP/CDP No. 94-0471, which expired on July 27, 2005. The facility is located at 2222 Verus Street.

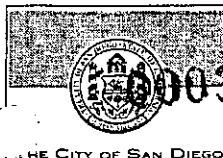
DATE OF HEARING:	June 28, 2007
TIME OF HEARING:	9:00 a.m.
LOCATION OF HEARING:	Council Chambers, 12th floor, City Administration Building, 202 C Street, San Diego, CA 92101
PROJECT TYPE/PROJECT NUMBER:	Conditional Use Permit/ PTS No. 90455
PROJECT NAME:	<u>AMERICAN TOWER CORPORATION – VERUS STREET</u>
APPLICANT NAME:	Jim Kelly, American Tower Corporation
COMMUNITY PLAN AREA:	Otay Mesa Nestor
COUNCIL DISTRICT:	8
CITY PROJECT MANAGER:	Karen Lynch-Ashcraft, Development Project Manager
PHONE NUMBER:	(619) 446-5351

The decision made by the Planning Commission is the final decision by the City.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from the California Environmental Quality Act on January 13, 2006 and the opportunity to appeal that determination ended January 27, 2006.

If you have any questions about this matter, you can contact the City Project Manager listed above. This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at 236-5979, at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.



City of San Diego
Development Services
1325 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☒ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name
Robert Jystad, Channel Law Group, LLP on behalf of applicant American Tower Corporation

Address City State Zip Code Telephone
100 Oceangate, Suite 1400 Long Beach CA 90802 (310) 209-8515

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Doug Kearney, American Tower Corporation

4. Project Information

Permit/Environmental Determination & Permit/Document No.:

CUP/CDP No. 94-0471

Date of Decision/Determination:

April 4, 2007

City Project Manager:

Karen Lynch Ashcraft

Decision (describe the permit/approval decision):

Deny Conditional Use Permit No. 289921 (Verus Street - PTS No. 90455)

5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error (Process Three and Four decisions only)
☐ Conflict with other matters (Process Three and Four decisions only)
☒ Findings Not Supported (Process Three and Four decisions only)
☐ New Information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

Hearing Officer made findings 1 and 2 in the affirmative but denied permit on grounds that he could not make findings 3 and

4 because the project does not comply to maximum extent feasible with Land Development Code.

This determination is based on the unsupported assertion that the City imposed 10 year time limits in order to require

replacement of existing facilities and that carriers should have designed their networks to accommodate the removal or

replacement of these facilities. Evidence in the record contradicts staff's assertion and the hearing officer did not properly

take such evidence into account. Applicant had reasonable expectation of renewal of its permits subject to compliance with

conditions and applicants' tenant relied on those expectations in the construction of their networks.

Applicant reserves right to supplement these grounds for appeal.

6. Appellant's Signature I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Date:

April 11, 2007

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031 (03-07)

000336



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☒ Other _____

Project Title

Project No. For City Use Only

WIRELESS TELECOM FACILITY (EXISTING)

Project Address:

2222 - 2252 VERUS ST.

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: 000337	Project No. (For City Use Only)
------------------------------	---------------------------------

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation (☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☒ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☐ No

Corporate/Partnership Name (type or print):
HRD PARTNERS

☒ Owner ☐ Tenant/Lessee

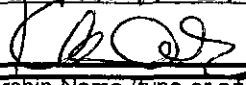
Street Address:
1015 CHESTNUT AVE, A-3

City/State/Zip:
CARLSBAD, CA 92008

Phone No: **7604346054** Fax No: **7604341679**

Name of Corporate Officer/Partner (type or print):
NICKOLAS RORICK - GENERAL PARTNER

Title (type or print):
GENERAL PARTNER 11/9/05

Signature:  Date: _____

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

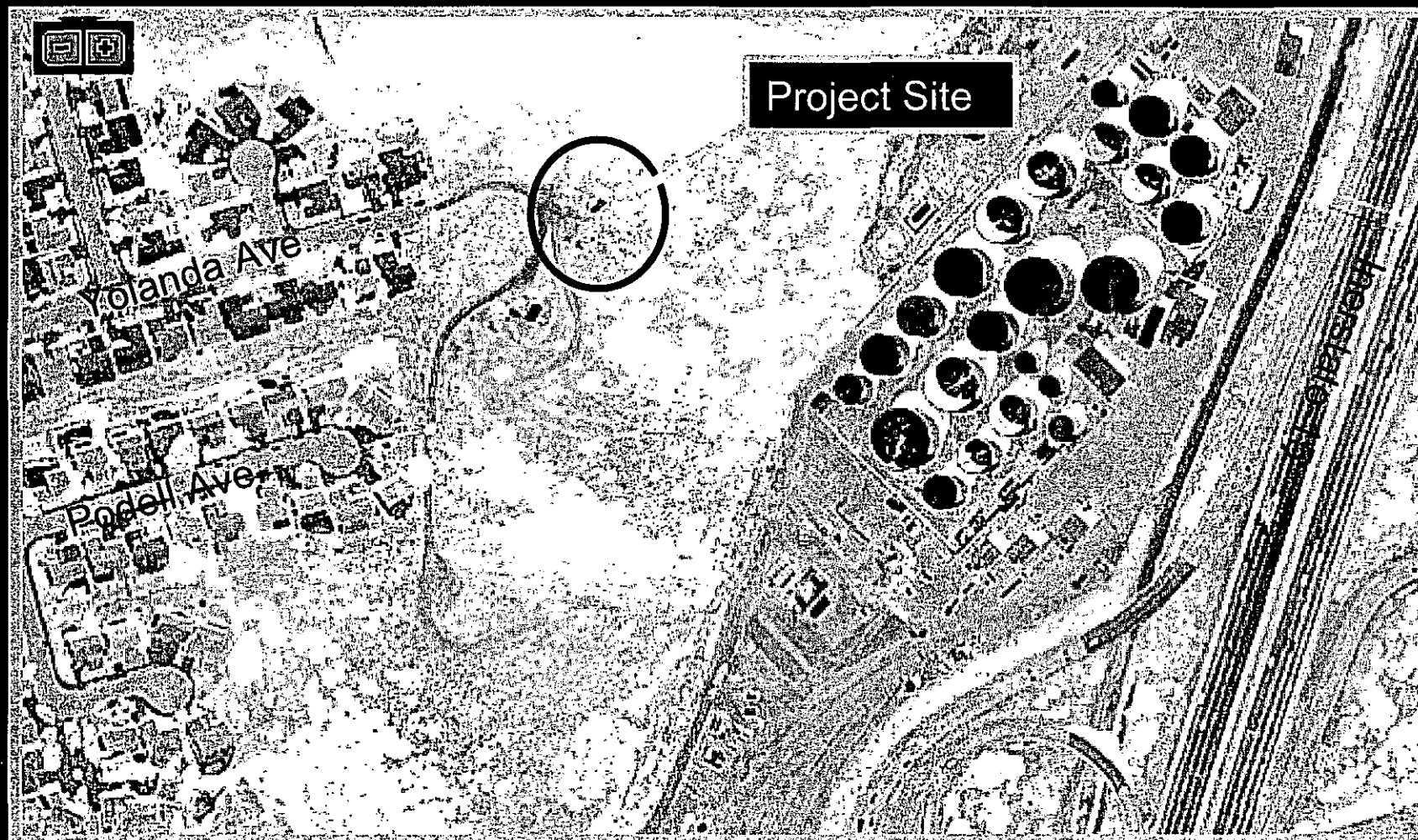
Signature: _____ Date: _____

000338

American Tower
Corporation – Yolanda
(Nextel)
CUP
Project No. 90475

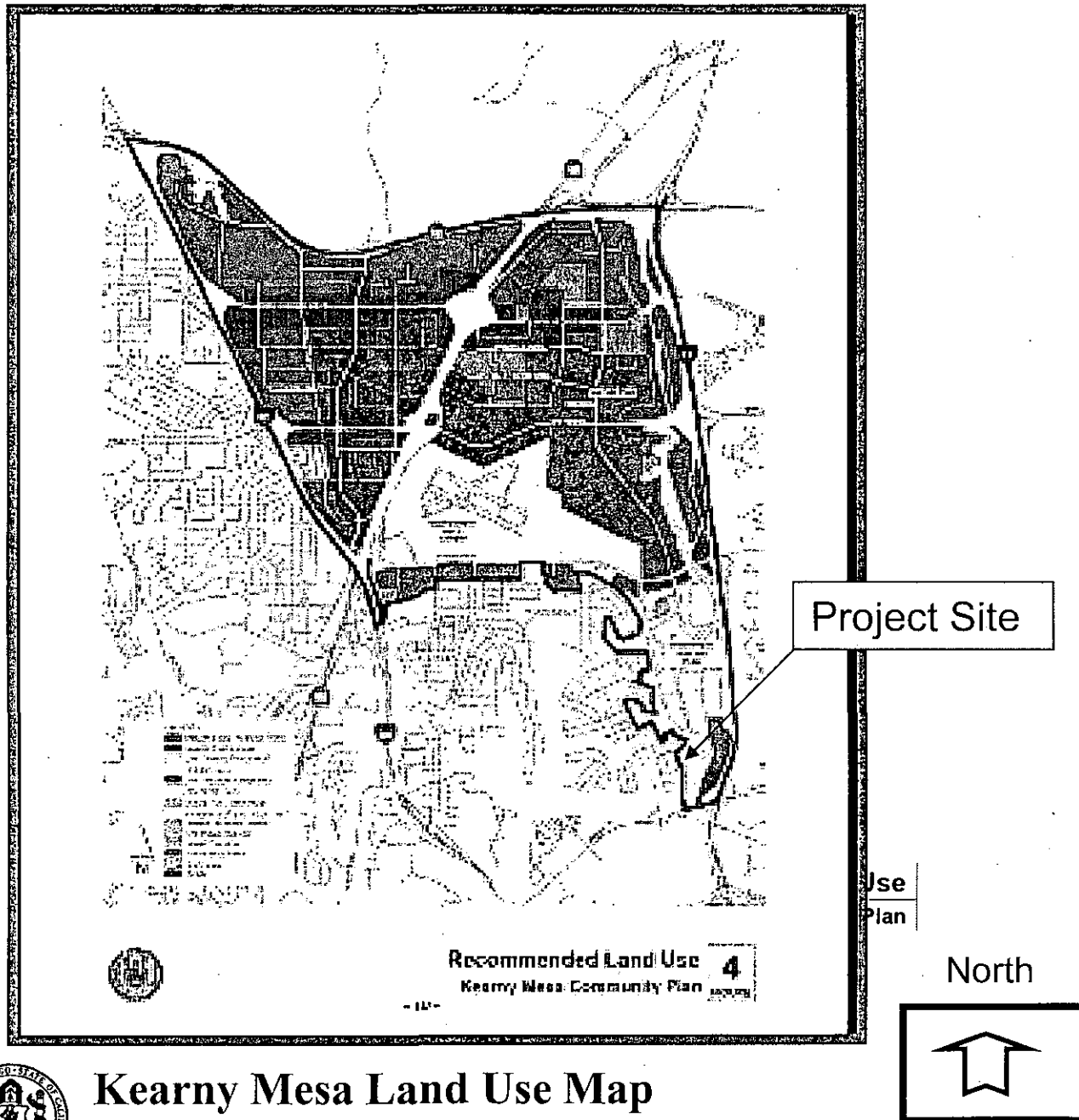
000339

ATTACHMENT B-1



Aerial Photo
AMERICAN TOWER – YOLANDA AVENUE – PROJECT NUMBER 90475
9606 YOLANDA AVENUE





Kearny Mesa Land Use Map

AMERICAN TOWER – YOLANDA AVENUE PROJECT NUMBER 90475
9606 YOLANDA AVENUE

PROJECT DATA SHEET

PROJECT NAME:	American Tower – Yolanda Avenue
PROJECT DESCRIPTION:	A wireless communication facility consisting of an existing 200 square-foot shelter with antennas located on the roof.
COMMUNITY PLAN AREA:	Kearny Mesa
DISCRETIONARY ACTIONS:	Conditional Use Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Open Space

ZONING INFORMATION:

ZONE: RS-1-1 (A multi-unit residential zone that permits 1 dwelling unit for each 40,000 square-feet of lot area) and IL-2-1

HEIGHT LIMIT: 30-Foot maximum height limit.

FRONT SETBACK: 25 feet.

SIDE SETBACK: 10 feet.

REAR SETBACK: 25 feet.

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Open space; RS-1-1.	Vacant
SOUTH:	Open Space; MVPD-MV-I.	Vacant
EAST:	Industrial and Business Park; IL-2-1.	Oil Tanks
WEST:	Single-Family Residential; RS-1-7.	Single Unit Residential
COMMUNITY PLANNING GROUP RECOMMENDATION:	<p>On February 15, 2006, the Kearny Mesa Community Planning Group voted 10-0-1 to recommend approval of CUP No. 289973.</p> <p>Due to the location of the project site on the border of Serra Mesa, the Serra Mesa Planning Group submitted a letter recommending approval of the project if the facility is redesigned to comply with the Land Development Code.</p>	

000343



SITE NAME: CA 5125 MISSION SAN DIEGO - 302251 CUP APPLICATION

DRAWING INDEX	REV.	DIRECTIONS	PROJECT INFORMATION												
T-1															
A-1	A	FROM ATC RIVINE OFFICE, TAKE HWY 8 SOUTH TOWARD SAN DIEGO, 1/4 becomes 1405 - go 0.5 mi, Take ramp onto BALBOA AVENUE - go 1.0 mi Turn Right on CONROY ST - go 0.8 mi, Continue on LINDA VISTA RD - go 0.1 mi Turn Left on AERO DR - go 0.2 mi, Bear Right onto SANDROCK RD - go 0.5 mi Turn Left on GRAMERCY DR - go 0.6 mi, GRAMERCY DR becomes JESSON VILLAGE DR - go 0.7 mi Turn Left on RIVERA AVE - go 0.1 mi, Turn Right on MARQUETTE DR - go 0.2 mi Turn Left on YOLANDA AVE - go 0.1 mi	SITE ADDRESS: 9808 YOLANDA AVE, SAN DIEGO, CA 92104 PROPERTY OWNER: PROPERTY OWNER: SPRING SANTA FE PACIFIC PIPELINES 1100 TOWN AND COUNTRY ROAD ORANGE, CA 92668 APPLICANT: AMERICAN TOWER CORPORATION, INC. 2281 DUPONT DR., # 340 IRVINE, CA 92612 Tel: 949-743-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: 949-443-8400 LATITUDE: 32° 47' 29.021" N LONGITUDE: 117° 07' 28.254" W ZONING: RB-1-1 JURISDICTION: CITY OF SAN DIEGO OCCUPANCY: U-1 APN NUMBER: 433-240-21 CURRENT USE: UNMANNED TELECOMMUNICATIONS FACILITY PROPOSED USE: UNMANNED TELECOMMUNICATIONS FACILITY												
A-2	A														
A-3	A														
A-4	A														
L-1	A														
B-1	A														
		VICINITY MAP	N.T.S.												
LEGAL DESCRIPTION THAT PORTION OF LOT 42 OF PARTITION OF RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP ON FILE IN THE COUNTY CLERK'S OFFICE, LYING NORTHERLY OF THE CENTER LINE OF ROAD SURVEY NO. 299, FRAMES 10-14 AS DESCRIBED IN DDD RESCINDED IN BOOK 894, PAGE 228 OF DEEDS, IN THE OFFICE OF THE RECORDER															
DEVELOPMENT SUMMARY AMERICAN TOWER CORPORATION IS REQUESTING APPROVAL FOR THE FOLLOWING PROJECT: CONDITIONAL USE PERMIT (CUP) THE PROJECT REQUIRES THE RENEWAL OF EXPIRED CUP NO. 84-057 ISSUED BY THE CITY OF SAN DIEGO FOR A WIRELESS TELECOMMUNICATIONS FACILITY. THIS APPLICATION REQUESTS THE CONTINUED OPERATION AND MAINTENANCE OF THE FACILITY LOCATED AT 9808 YOLANDA AVENUE. THE SPRINT NEXTEL FACILITY AS IT PRESENTLY EXISTS CONSISTS OF A 300 SQUARE FOOT UNMANNED EQUIPMENT BUILDING WITH SEVEN (7) PANEL ANTENNAS MOUNTED OVER THE ROOFTOP OF THE BUILDING AT A HEIGHT OF 18.5 FEET ABOVE GROUND. AMERICAN TOWER IS REQUESTING THE CUP EXTENSION IN ORDER TO ALLOW SPRINT NEXTEL AND ITS CUSTOMERS UNINTERRUPTED WIRELESS TELEPHONE SERVICE.															
		PROJECT TEAM <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>NAME</th> <th>COMPANY</th> <th>NUMBER</th> </tr> </thead> <tbody> <tr> <td>ARCHITECT</td> <td>JORGE BASILIO, AIA</td> <td>BASILIO ASSOCIATES, INC.</td> <td>648-777-4200</td> </tr> <tr> <td>ZONING</td> <td>DOUG KEARNEY</td> <td>AMERICAN TOWER CORPORATION</td> <td>949-743-8400</td> </tr> </tbody> </table>			NAME	COMPANY	NUMBER	ARCHITECT	JORGE BASILIO, AIA	BASILIO ASSOCIATES, INC.	648-777-4200	ZONING	DOUG KEARNEY	AMERICAN TOWER CORPORATION	949-743-8400
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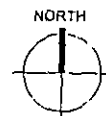
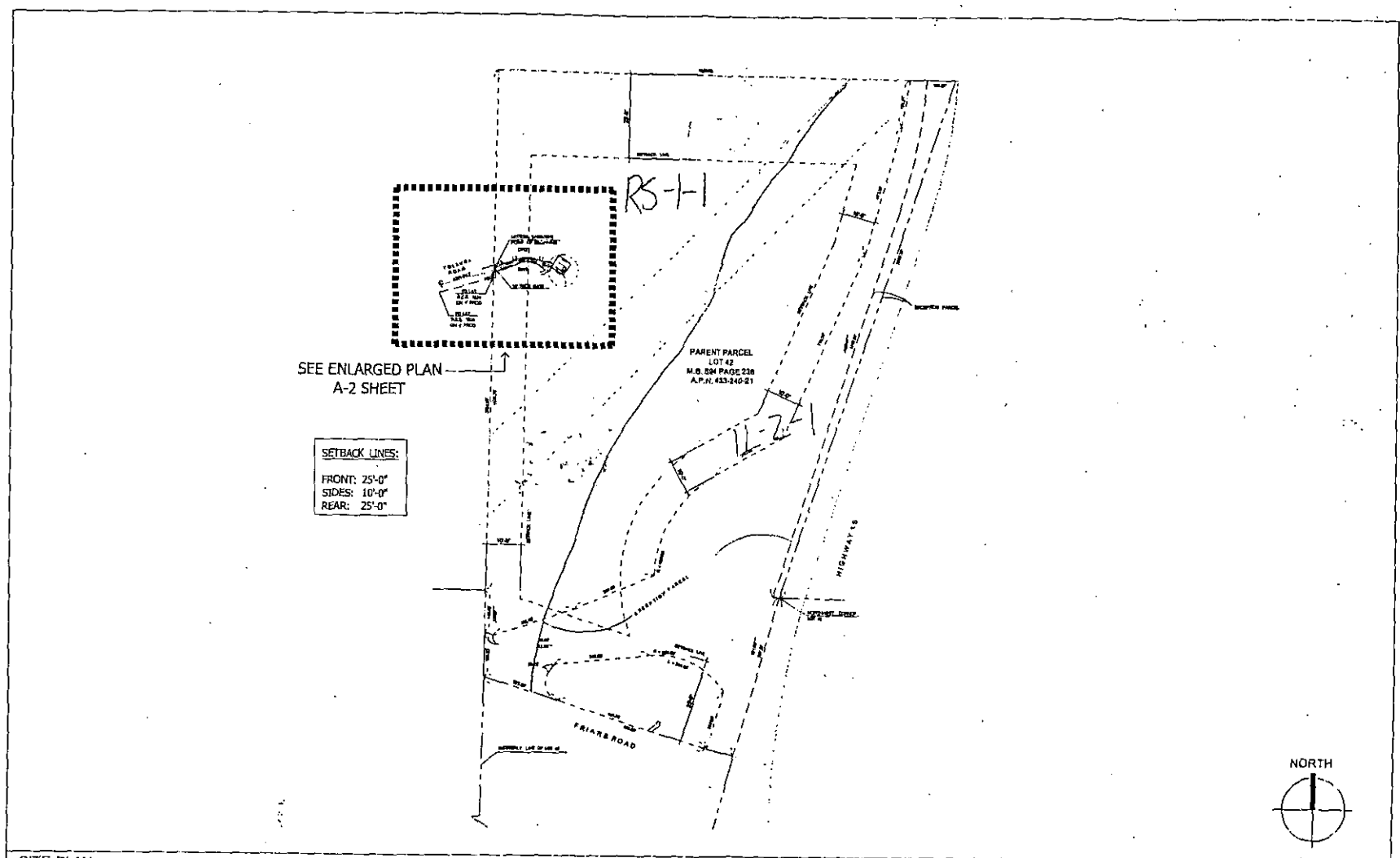
SITE: 302251
ID: CA 5125 MISSION SAN DIEGO
9808 YOLANDA AVE.
SAN DIEGO, CA 92104

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	11-06-08	ISSUED FOR CUP APPLICATION			

TITLE SHEET

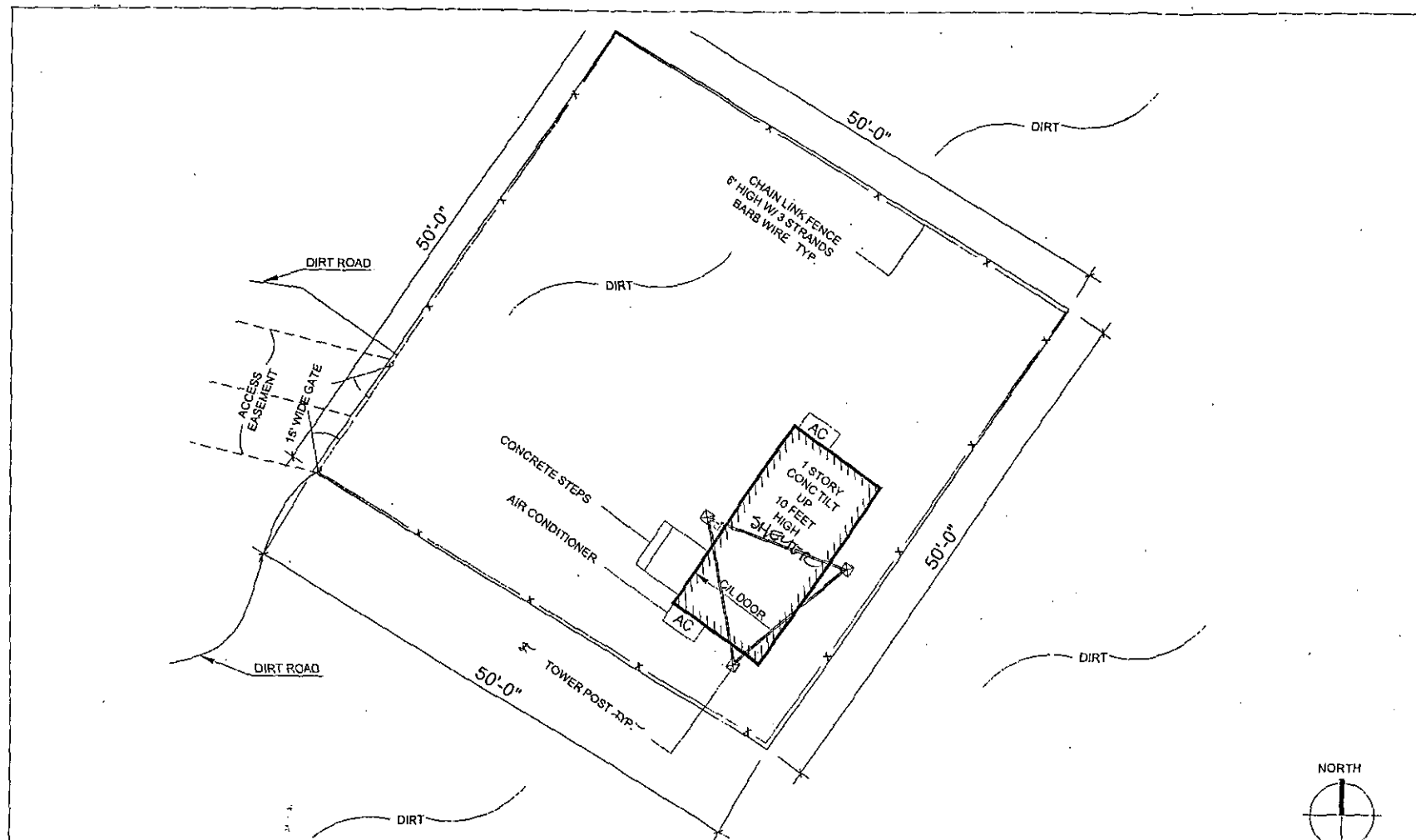
T-1

21X 11 1/2



<p>SITE PLAN</p>		<p>SCALE: 1" = 100'</p>																			
<p>AMERICAN TOWER</p>	<p>Basilio Associates, Inc. Architecture • Planning • Design 12 JAVIERA ST. SUITE 100, SAN DIEGO, CA 92101 PHONE: 619-701-1000 • FAX: 619-701-1001</p>	<p>SITE: 302251 ID: CA 5125 MISSION SAN DIEGO 9606 YOLANDA AVE. SAN DIEGO, CA XXXX</p>	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> <th>BY</th> <th>CHK</th> <th>APP'D</th> </tr> <tr> <td>1</td> <td>11-28-01</td> <td>ISSUED FOR APPLICATION</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="6"> <p>SCALE: AS SHOWN DESIGNED: DRAWN: JM</p> </td> </tr> </table>	NO.	DATE	REVISIONS	BY	CHK	APP'D	1	11-28-01	ISSUED FOR APPLICATION				<p>SCALE: AS SHOWN DESIGNED: DRAWN: JM</p>					
NO.	DATE	REVISIONS	BY	CHK	APP'D																
1	11-28-01	ISSUED FOR APPLICATION																			
<p>SCALE: AS SHOWN DESIGNED: DRAWN: JM</p>																					
<p>SITE PLAN</p>		<p>A-1</p>																			

000345



ENLARGED SITE PLAN



Basilio Associates, Inc.
Architects • Planning • Design
12 LAMARCA ST. SUITE 100, SAN DIEGO, CA 92108
PHONE: 619-591-7100 FAX: 619-591-7101

SITE: 302251
ID: CA 5125 MISSION SAN DIEGO
8606 YOLANDA AVE.
SAN DIEGO, CA XXXX

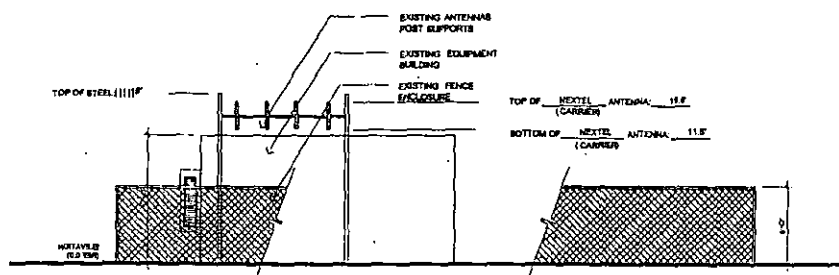
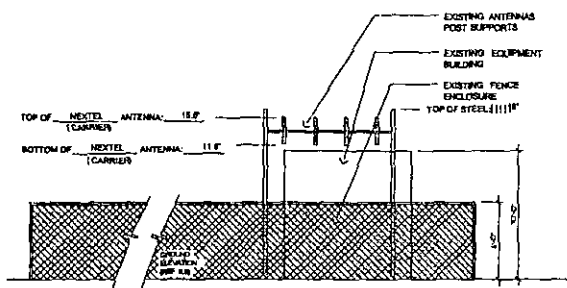
NO.	DATE	REVISION/DESCRIPTION	BY	CHK	APPR
1	11-28-01	ISSUED FOR SUBMITTAL			
2					
3					
4					
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8					
9					
10					

ENLARGED SITE PLAN

PROJECT NUMBER: A-2
DRAWING NUMBER: A-2

21X 11 1/2

000346



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

2

EAST ELEVATION

SCALE: 1/8" = 1'-0"

1



SITE: 302251
ID: CA 5125 MISSION SAN DIEGO
8606 YOLANDA AVE.
SAN DIEGO, CA XXXX

NO.	DATE	REVISION	BY	CHK	APPD
1	11-28-01	ISSUANCE FOR APPLICATION			
2					
3					
4					
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9					
10					

SCALE: AS SHOWN DESIGNED BY DRAWN BY

EXTERIOR ELEVATIONS

PROJECT NAME: _____

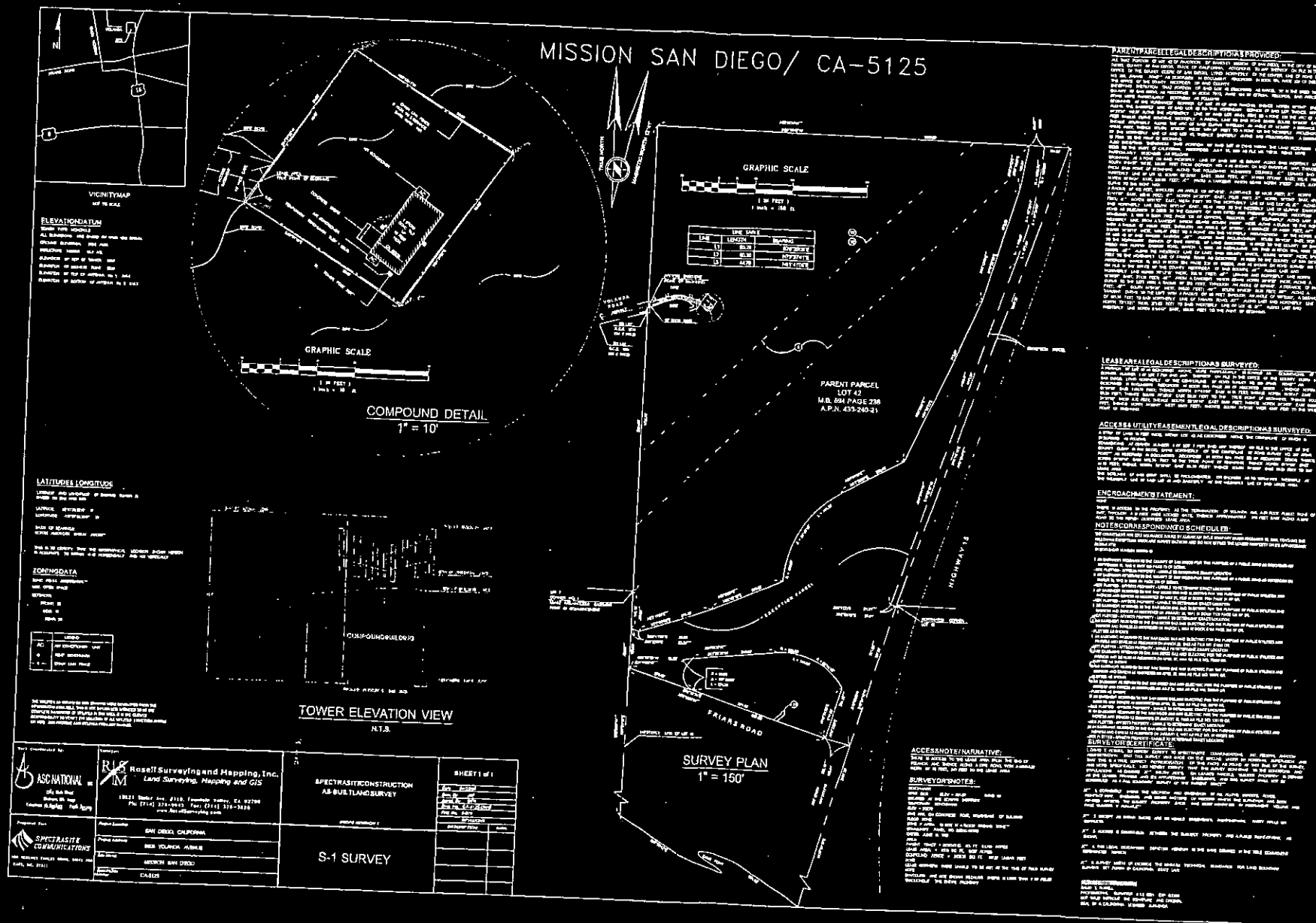
DRAWING NAME: _____

A-3

21/11/01

000347

MISSION SAN DIEGO/ CA-5125



LINE	LENGTH	BEARING
1	0.00	0.00
2	0.00	0.00
3	0.00	0.00
4	0.00	0.00

PARENT PARCEL
LOT 42
M.B. 804 PAGE 238
A.P.N. 433-240-21

SURVEY PLAN
1" = 150'

TOWER ELEVATION VIEW
N.T.S.

COMPOUND DETAIL
1" = 10'

ACCESSORY/INSTRUMENTS

Surveyed by: [Name]
Checked by: [Name]
Date: [Date]

SURVEYOR'S NOTES

1. The survey was conducted on [Date] at [Time] of the day. The weather was [Weather]. The visibility was [Visibility]. The ground was [Ground]. The survey was conducted by [Name]. The survey was checked by [Name]. The survey was approved by [Name].

PARENT PARCEL LEGAL DESCRIPTION PROVIDED:
The following is a true and correct copy of the legal description of the parent parcel as recorded in the public records of the County of San Diego, California. The legal description is as follows: [Description]

LEASE AND LEGAL DESCRIPTIONS SURVEYED:
The following is a true and correct copy of the legal descriptions of the leases and legal descriptions surveyed. The legal descriptions are as follows: [Description]

ACCESSORY UTILITY EASEMENTS LEGAL DESCRIPTIONS SURVEYED:
The following is a true and correct copy of the legal descriptions of the accessory utility easements surveyed. The legal descriptions are as follows: [Description]

ENCROACHMENT STATEMENT:
The following is a true and correct copy of the encroachment statement. The encroachment statement is as follows: [Description]

NOTICE OF NON-RESPONSE TO SCHEDULE:
The following is a true and correct copy of the notice of non-response to the schedule. The notice of non-response is as follows: [Description]

NOTICE OF NON-RESPONSE TO SCHEDULE:
The following is a true and correct copy of the notice of non-response to the schedule. The notice of non-response is as follows: [Description]

NOTICE OF NON-RESPONSE TO SCHEDULE:
The following is a true and correct copy of the notice of non-response to the schedule. The notice of non-response is as follows: [Description]

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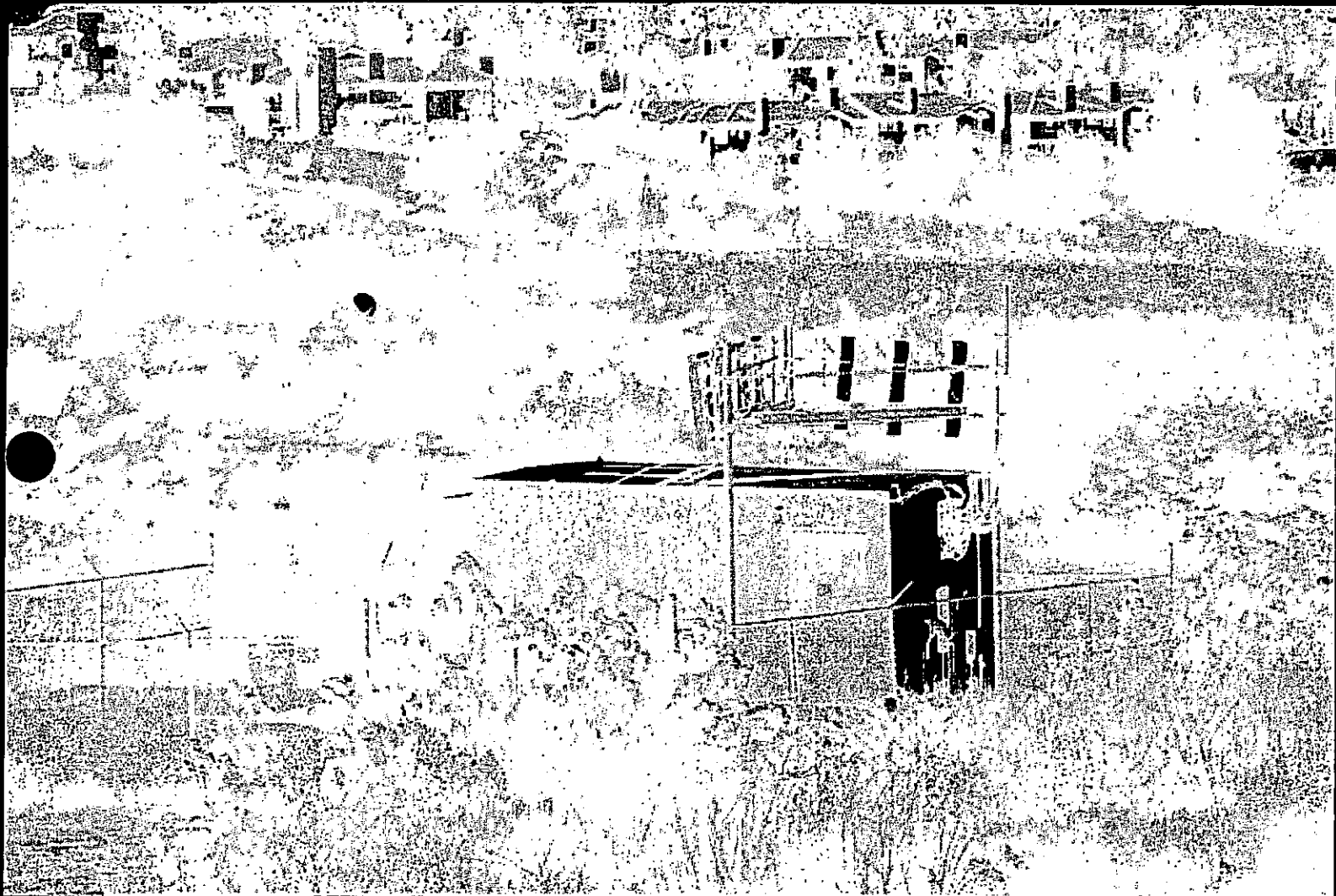
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NOTICE OF NON-RESPONSE TO SCHEDULE:
The following is a true and correct copy of the notice of non-response to the schedule. The notice of non-response is as follows: [Description]

<p>ASC NATIONAL 1821 Santa Fe, Suite 210, Fountain Valley, CA 92708 Phone: (714) 333-8800 Fax: (714) 333-8800 www.ascnational.com</p>	<p>Rosell Surveying and Mapping, Inc. Land Surveying, Mapping and GIS 1821 Santa Fe, Suite 210, Fountain Valley, CA 92708 Phone: (714) 333-8800 Fax: (714) 333-8800 www.rosellsurveying.com</p>	<p>SPECTRASITE CONSTRUCTION AS-BUILT SURVEY</p>	<p>SHEET 1 of 1</p>
<p>SPECTRASITE COMMUNICATIONS 1821 Santa Fe, Suite 210, Fountain Valley, CA 92708 Phone: (714) 333-8800 Fax: (714) 333-8800 www.spectrasite.com</p>	<p>RAY DIEZEL CORP. 1821 Santa Fe, Suite 210, Fountain Valley, CA 92708 Phone: (714) 333-8800 Fax: (714) 333-8800 www.raydiezel.com</p>	<p>S-1 SURVEY</p>	<p>DATE: [Date]</p>

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ATTACHMENT B-6



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Kearny Mesa Planning Group

C/O Gibbs Flying Service, Inc.
8906 Aero Drive, San Diego, CA 92123
858-277-0162 FAX 858-277-0854
www.geocities.com/kearnymesaplanninggroup

March 18, 2006

Karen Lynch-Ashcraft, Project Manager
Development Services
City of San Diego
1222 First Avenue, MS 302
San Diego, CA 92101

Re: American Tower CUP - 9606 Yolanda Ave
Project No 90475, JO # 42-5668

Dear Karen,

At the regular February meeting of the Kearny Mesa Planning Group Mr Doug Kearney and Mr. Jim Kelly presented the CUP request for the Yolanda Ave cell site to the full group. He distributed photo and drawings of the facility. This site is just below the top of the hill above the Murphy Canyon fuel farm site. It is somewhat visible from I-15 and very visible from the houses on the canyon on Yolanda Ave in Serra Mesa. The site was a previously approved via CUP but that CUP has expired so this application is being processed like a new development.

During the presentation numerous members asked questions of the applicants. The main issues were visibility of the concrete accessory building, the antenna array and fence and the general site condition. The group generally felt that the suggested conditions by development services to replace this facility or to meet all new codes were overly burdensome. The plans provide for native landscaping that would take a few years to mature. Upon a motion made and seconded, the group voted 10-0-1 to recommend approval of this CUP with the conditions that the applicant do whatever he can to make this site less visible to the general public and that a more aggressive landscaping plan be implemented as a part of that process, including more mature landscaping for an immediate benefit.

If you have any questions on this matter, please give me a call.

Sincerely,

Buzz Gibbs
Chair

000351

Serra Mesa Planning Group

Post Office Box 23315, San Diego, CA 92193

May 22, 2006

Jim Kelly or Doug Kearney
 American Tower Corporation, Inc.
 2201 Dupont Drive, #340
 Irvine, CA 92612

RE: Application for a CUP at end of Yolanda Ave. in Serra Mesa - Sprint Yolanda - Project No. 902751

Dear American Tower/Sprint Nextel:

The Serra Mesa Planning Group (SMPG) voted to support Sprint/Nextel's request for a Conditional Use Permit at the end of Yolanda Avenue only on the condition that Sprint/Nextel redesign the present facility to comply and meet the code regulation of the city and the suggestions of the Planning Group to integrate the facility with the environment. The goal is to integrate the facilities into the environment and minimize the visual impacts. Facilities and antennas/towers must be camouflaged. The SMPG subcommittee met, visited the site and made the following suggestions:

Suggestions For Code Compliance For Cell Phone Facilities At The Yolanda Hillside In Serra Mesa

- A. Improve the appearance of the entrance and maintenance road.
 - 1. Remove unnecessary signage and excessive chains and locks on the fence and gate at the entrance.
 - 2. To the extent possible restore/improve the road area to the facilities, though the sensitive areas as to not damage the hillside or the vegetation. If possible walk to the facility. Do not drive through the sensitive plant areas.
- B. Camouflage the facility with landscaping.
 - 1. Plant native plants around the facility.
 - a. These plants should include a variety such as toyon, lemonadeberry, laural sumac, and elderberry.
 - 2. Plant native trees around the facility.
 - a. These trees could be the native torrey pine, coastal live oak, or cottonwoods.
 - 3. Only as a last resort use other natural vegetation or faux trees and plants to hide the site. If the natives are unable to camouflage the site in a reasonable time frame, consider other options.
- C. Maintain the plants with watering and care for at least three years until the natives are well established and reach a height that will hide the facility.
- D. Replace the old enclosure by redesigning for a smaller area and replacing the old enclosure with a fence of material and color that best blends with the surrounding hillside.
- E. Paint the building and antennas with a color that blends with the surroundings.

Sincerely,



Cindy Moore
 Chair, Serra Mesa Planning Group

cc: Karen Lynch-Ashcraft, Development Services

PLANNING COMMISSION
RESOLUTION NO.
CONDITIONAL USE PERMIT NO. 289973
AMERICAN TOWER – YOLANDA AVENUE
PROJECT NO. 90475

WHEREAS, Santa Fe Pacific Pipelines LP, Owner and American Tower, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 289973), on portions of a 49.11 acre site;

WHEREAS, the project site is located at 9606 Yolanda Avenue in the RS-1-1 and IL-2-1 zone of the Kearny Mesa Community Plan;

WHEREAS, the project site is legally described as that portion of Lot 42 of partition of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to map on file in the County Clerk office, lying northerly of the center line of toad survey No. 2189 (Friars Road) as described in Doc. recorded in Book 594, page 238 of deeds, in the Office of the Recorder;

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 289973 pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 28, 2007.

FINDINGS:

Conditional Use Permit - Section 126.0305

1. **The proposed development will not adversely affect the applicable land use plan;**

This facility was originally approved by the Planning Commission on July 27, 1995. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Kearny Mesa Community Plan addresses wireless communication facilities as a specific land use.

2. **The proposed development will not be detrimental to the public health, safety, and welfare;**

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP.

3. **The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and**

This facility was originally approved by the Planning Commission on July 27, 1995. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, the facility is situated at the terminus of a single unit residential neighborhood street. It consists of a 200 square-foot equipment enclosure with several antennas above the roof top. The facility sits conspicuously at the top of the hillside just below the direct view of the homes on Yolanda Avenue. Viewed from below, along Friars Road or Interstate-15 or from across the canyon, the facility distinctly stands out on the horizon. Many commuters pass through this section of the city on a daily basis and are subjected to the unsightliness associated with the project.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities or they are located in residential zones containing residential uses. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Yolanda Avenue project does not conform to this code requirement. As it exists, the facility is situated near the top of a hillside devoid of any significant vegetation that could help to screen the facility. The shelter is painted a light tan color and the antennas are white, which contribute to the facility standing out from below the hillside and across the canyon.

Additionally, the regulations limit the number of major telecommunication facilities so that no more than one facility can be within a half-mile of another major telecommunication facility. There are already two other wireless facilities existing on the same property.

Therefore, the project does not comply to the maximum extent feasible, with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate these types of facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the hillside and takes into consideration, the proximity to the adjacent residential homes and to Interstate-15 and Friars Road would be more appropriately located on this property.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 289973 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee.

Karen Lynch-Ashcraft
Development Project Manager
Development Services

Adopted on: June 28, 2007

Job Order No. 42-5668

L 3 # 1995-0425129
22-SEP-1995 01:41 PM

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

842

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER

RF: 12.00 FEES: 28.00
AF: 15.00
MF: 1.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 94-0527
PLANNING COMMISSION

This Conditional Use Permit is granted by the Planning Commission of the City of San Diego to SANTA FE PACIFIC PIPELINES, Owner, NEXTEL COMMUNICATIONS, INC., Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 200-square-foot unmanned dispatch mobile radio communication facility, located east of Yolanda Avenue between Larrabee Place and the Interstate 15 Freeway, also described as a portion of Pueblo Lot 42, Partition of Rancho Mission, Map No. 330 in the City of San Diego, County of San Diego, State of California, in the R1-40000, Open Space and M-1B Zones.
2. The facility shall consist of the following:
 - a. A 200-square-foot-equipment building with a roof mounted antenna system consisting of three whip antennae and up to 12 vertical panel antennae.
 - b. A six-foot-high chainlink fence topped with barbed wire around a 2,500-square-foot lease area.
 - c. Off-street parking to be located outside the fence at the end of the unpaved access to the site.
 - d. Landscaping around the perimeter of the fenced enclosure.
 - e. Accessory uses as may be determined incidental and approved by the Planning Commission.
3. One parking space shall be provided at the entrance of the facility.
4. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

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- a. The Permittee signs and returns the permit to the Development Services Department, Development and Environmental Planning (DEP) Division;
 - b. The Conditional Use Permit is recorded by the Development Services Department in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformance to Exhibit "A," dated July 27, 1995, on file in the office of the Development Services Department, DEP Division. No change, modifications or alterations shall be made unless substantial conformance review or amendment of this permit shall have been granted.
6. Prior to the issuance of any building permits, the applicant shall:
- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
7. Before issuance of any grading or building permits, a complete landscape plan, including a temporary irrigation system, shall be submitted to the Development Services Director for approval. The plans shall be in substantial conformance to Exhibit "A," dated July 27, 1995, on file in the office of the Development Services Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
8. The trees shall be permanently irrigated in accordance with the City of San Diego *Landscape Technical Manual*.
9. If any work is proposed within the Caltrans right-of-way, an encroachment permit will be required from the Caltrans Permit Office.
10. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 111.1122 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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11. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

12. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

13. This Conditional Use Permit shall expire ten years from the effective date of the approved permit, unless a new application for a Conditional Use Permit is submitted to the Development Services Department, DEP Division 90 days in advance of the expiration date as stated herein:

- a. Should the new permit application be denied by the Development Services Department Director/Planning Commission, this permit will automatically expire 90 days from the date of action by the approving authority; and
- b. The permittee shall cease and desist all activity on the site within that 90 days.
- c. The permittee shall return the site to it's original condition within 90 days from the date of action by the approving authority.

14. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

15. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

16. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and

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other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

17. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

Passed and adopted by the Planning Commission on July 27, 1995.

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PLANNING COMMISSION RESOLUTION NO. 2202-PC
GRANTING CONDITIONAL USE PERMIT NO. 94-0527

WHEREAS, on July 27, 1995, SANTA FE PACIFIC PIPELINES, Owner, NEXTEL COMMUNICATIONS, INC., Permittee, filed an application for a Conditional Use Permit to construct and operate a 200-square-foot unmanned dispatch mobile radio communication facility located east of Yolanda Avenue between Larrabee Place and the Interstate 15 Freeway in the Kearny Mesa Community, also described as a portion of Pueblo Lot 42, Partition of Rancho Mission, Map No. 330, in the City of San Diego, County of San Diego, State of California, in the R1-40000, Open Space, and M1-B Zones; and

WHEREAS, on July 27, 1995, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 94-0527, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

1. That the Planning Commission adopted the following written Findings, dated July 27, 1995:

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.**

The project site is designated for open space by the General Plan and the Kearny Mesa Community Plan. Nevertheless, particular uses which fulfill individual and community needs are permitted in residential and other zones by conditional use permit. This facility will be a part of a communication network that is being established by Nextel to serve the City. This project will not adversely impact the General Plan nor the Kearny Mesa Community Plan. Perimeter landscaping and neutral colors on exterior surfaces will effectively screen the facility and allow the fence and equipment building to blend with surrounding vistas.

- B. THE PROPOSED USE, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.**

Radio frequency energy transmission from the proposed whip antennas and panels would not result in significant health and safety risks to the surrounding

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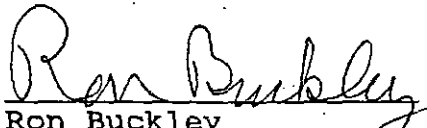
area. The transmissions would have a maximum of 7.08 microwatts per square centimeter, well below the accepted safety standard of 567 microwatts per square centimeter established by the American National Standards Institute and the National Council on Radiation Protection.

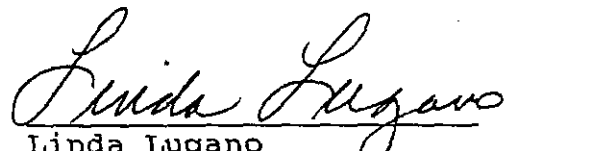
C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

The proposed facility complies with the relevant regulations in the Municipal Code. Landscape screening of the equipment building will be provided. One parking space will be designated for use by Nextel and will meet the parking requirement for this project.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 94-0527 is hereby GRANTED to SANTA FE PACIFIC PIPELINES, Owner, NEXTEL COMMUNICATIONS, INC., Permittee, in the form and with the terms and conditions set forth in Conditional Use Permit No. 94-0527, a copy of which is attached hereto and made a part hereof.


Ron Buckley
Senior Planner


Linda Lugano
Planning Commission Secretary

ALL-PURPOSE CERTIFICATE

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Type/Number of Document CUP 94-0527Date of Approval July 27, 1995

STATE OF CALIFORNIA

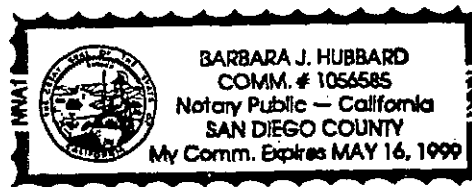
COUNTY OF SAN DIEGO

Ron Buckley
Ron Buckley, Senior Planner

On August 30, 1995 before me, BARBARA J. HUBBARD (Notary Public), personally appeared RON BUCKLEY, Senior Planner of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard
Barbara J. Hubbard



(Seal)

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

Signed J. A. Baker
Typed Name SANTA FE PACIFIC PIPELINES

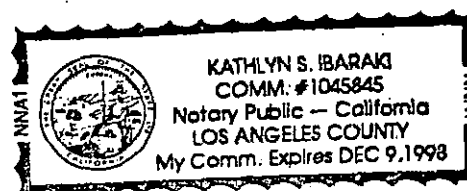
Signed Gary Barton
Typed Name NEXTEL COMMUNICATIONS, INC.

DATE OF CaliforniaCOUNTY OF Los Angeles

On September 18, 1995 before me, Kathlyn S. Ibaraki (Name of Notary Public) personally appeared J. A. Baker, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Kathlyn S. Ibaraki



(Seal)

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

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County of San DiegoOn September 19, 1995 before me, Kristine K. Zervas

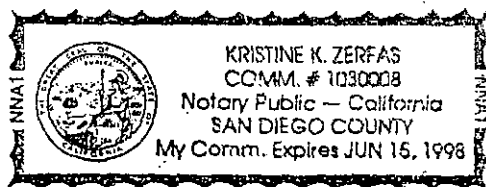
DATE

NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Gary Barton

NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (S) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Kristine K Zervas
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
 NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

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THE CITY OF SAN DIEGO

Date of Notice: June 14, 2007

**NOTICE OF PUBLIC HEARING
APPEAL TO PLANNING COMMISSION**

Job Order Number: 42-5668

As a property owner, tenant, or person who has requested notice, you should know that a public hearing will be held by the Planning Commission to consider an appeal on an application for a wireless communication facility consisting of an existing 200 square foot equipment shelter with panel antennas above the roof top, originally approved by CUP No. 94-0527, which expired on July 27, 2005. The facility is located at 9606 Yolanda Avenue.

DATE OF HEARING:	June 28, 2007
TIME OF HEARING:	9:00 a.m.
LOCATION OF HEARING:	Council Chambers, 12 th floor, City Administration Building, 202 C Street, San Diego, CA 92101
PROJECT TYPE/PROJECT NUMBER:	Conditional Use Permit/ PTS No. 90475
PROJECT NAME:	<u>AMERICAN TOWER – YOLANDA AVENUE</u>
APPLICANT NAME:	Jim Kelly, American Tower Corporation
COMMUNITY PLAN AREA:	Kearny Mesa
COUNCIL DISTRICT:	6
CITY PROJECT MANAGER:	Karen Lynch-Ashcraft, Development Project Manager
PHONE NUMBER:	(619) 446-5351

The decision made by the Planning Commission is the final decision by the City.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from the California Environmental Quality Act on February 13, 2007 and the opportunity to appeal that determination ended February 28, 2007.

If you have any questions about this matter, you can contact the City Project Manager listed above. This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at 236-5979, at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☒ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name

Robert Jystad, Channel Law Group, LLP on behalf of applicant American Tower Corporation

Address City State Zip Code Telephone
100 Oceangate, Suite 1400 Long Beach CA 90802 (310) 209-8515

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Doug Kearney, American Tower Corporation

4. Project Information

Permit/Environmental Determination & Permit/Document No.: CUP No. 94-0527	Date of Decision/Determination: April 4, 2007	City Project Manager: Karen Lynch Ashcraft
--	--	---

Decision (describe the permit/approval decision):

Deny Conditional Use Permit No. 289973 (Yolanda Avenue - PTS No. 90475)

5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error (Process Three and Four decisions only)
☐ Conflict with other matters (Process Three and Four decisions only)
☒ Findings Not Supported (Process Three and Four decisions only)
☐ New Information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

Hearing Officer made findings 1 and 2 in the affirmative but denied permit on grounds that he could not make findings 3 and

4 because the project does not comply to maximum extent feasible with Land Development Code.

This determination is based on the unsupported assertion that the City imposed 10 year time limits in order to require replacement of existing facilities and that carriers should have designed their networks to accommodate the removal or replacement of these facilities. Evidence in the record contradicts staff's assertion and the hearing officer did not properly take such evidence into account. Applicant had reasonable expectation of renewal of its permits subject to compliance with conditions and applicants' tenant relied on those expectations in the construction of their networks.

Applicant reserves right to supplement these grounds for appeal.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Date:

April 11, 2007

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other

Project Title

Project No. For City Use Only

EXISTING WIRELESS TELECOMMUNICATIONS FACILITY

Project Address:

9406 YOLANDA AVE

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

000366

ATTACHMENT B-13

Project Title:

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation (☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☒ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

Corporate/Partnership Name (type or print):

☒ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

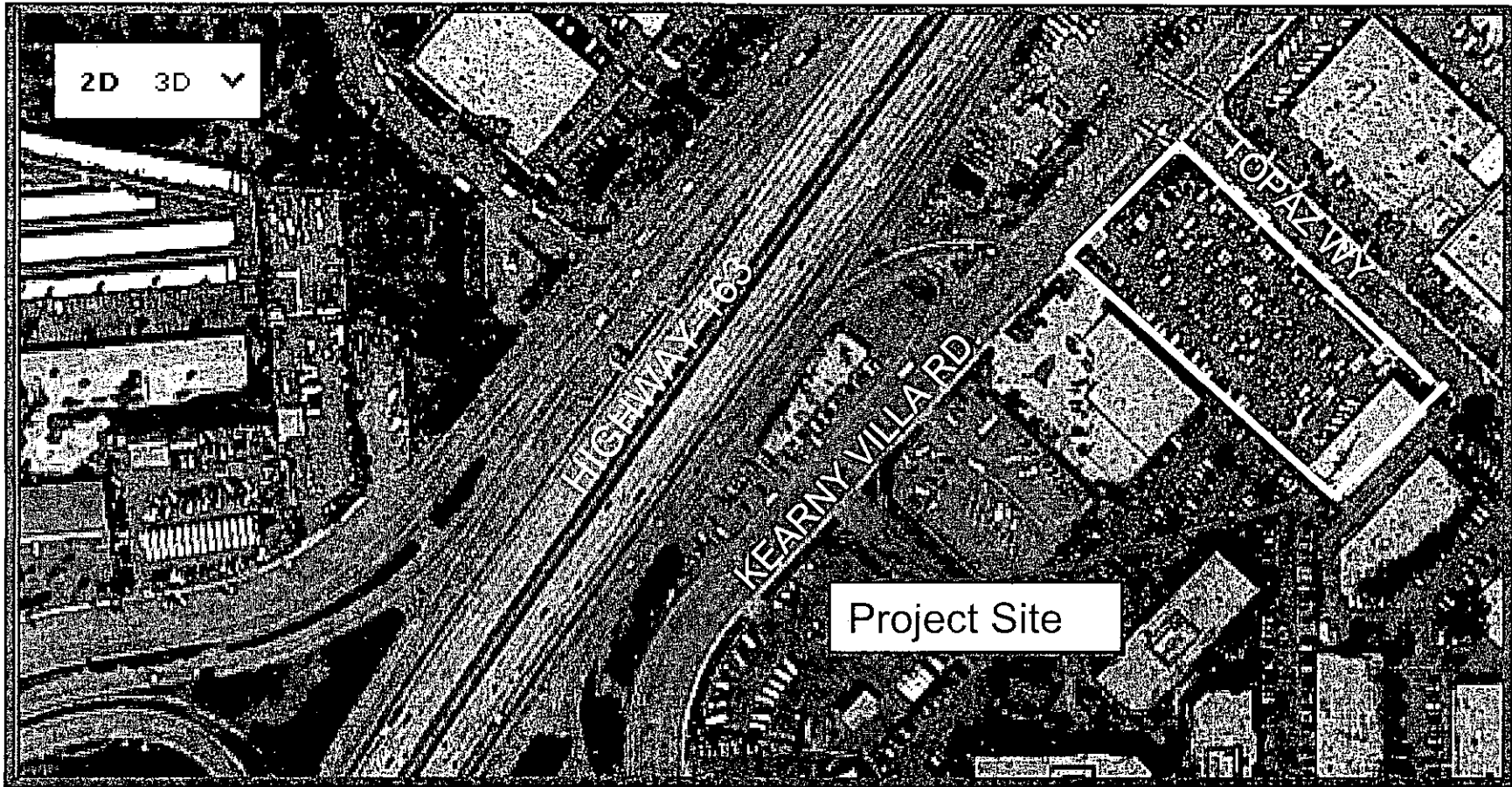
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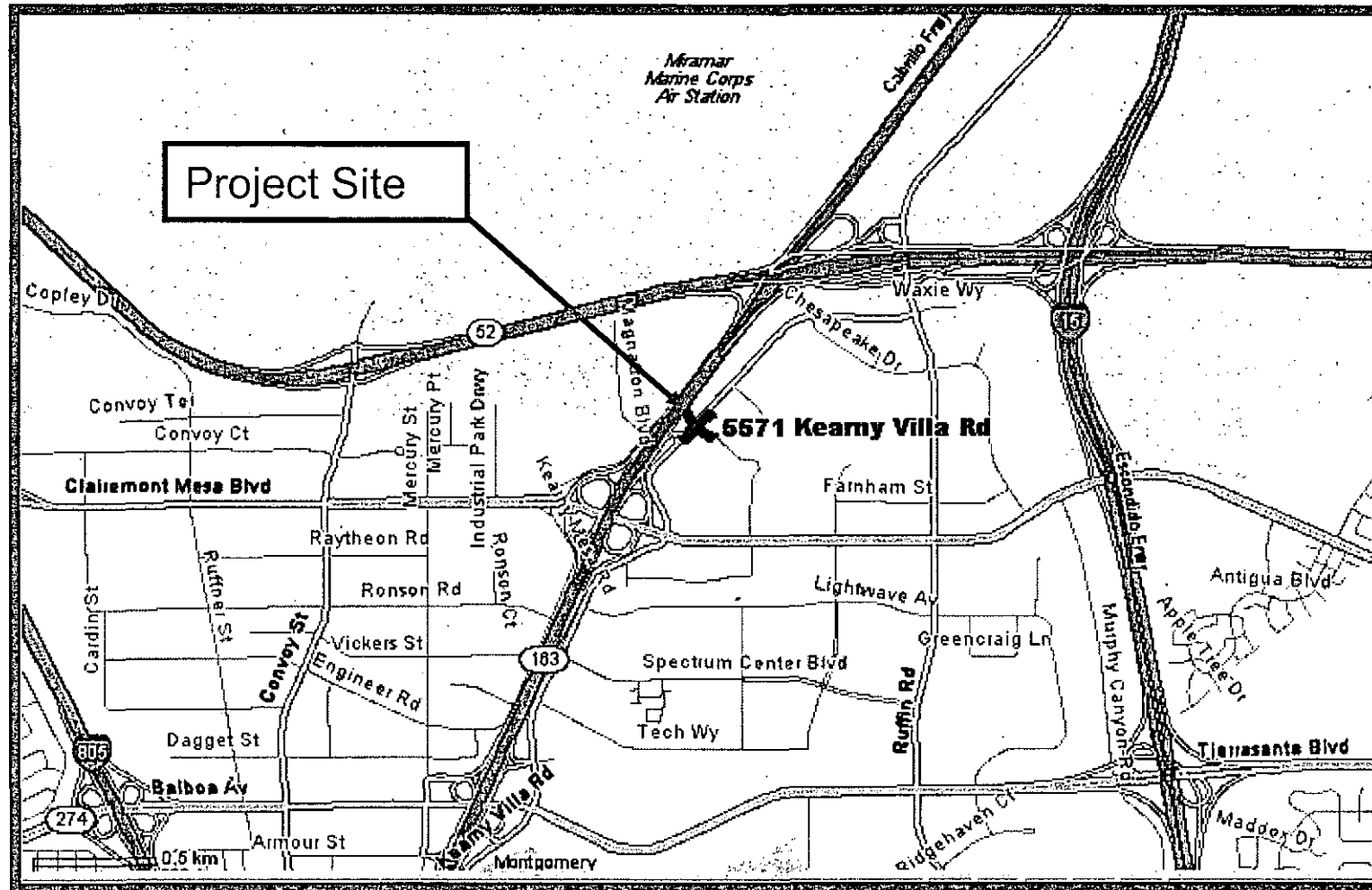
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American Tower
Corporation – Kearny Villa
(Nextel)
CUP
Project No. 90486



Aerial Photo
AMERICAN TOWER – KEARNY VILLA – PROJECT NUMBER 90486
5571 KEARNY VILLA ROAD





Project Location Map

AMERICAN TOWER – KEARNY VILLA – PROJECT NUMBER 90486
5571 KEARNY VILLA ROAD



ATTACHMENT C-3



AMERICAN TOWER – KEARNY VILLA PROJECT NUMBER 90486
5571 KEARNY VILLA ROAD

000371

ATTACHMENT C-4

PROJECT DATA SHEET

PROJECT NAME:	American Tower – Kearny Villa	
PROJECT DESCRIPTION:	A wireless communication facility consisting of an existing 120 foot high monopole and a 200 square-foot equipment shelter.	
COMMUNITY PLAN AREA:	Kearny Mesa	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial and Business Park	
<u>ZONING INFORMATION:</u> ZONE: IL-2-1 HEIGHT LIMIT: None. FRONT SETBACK: 15 feet. SIDE SETBACK: 10 feet. REAR SETBACK: 0		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial and Business Park; IL-2-1	Industrial/Heavy Commercial
SOUTH:	Industrial and Business Park; IL-2-1	Industrial
EAST:	Industrial and Business Park; IL-2-1	Industrial
WEST:	Industrial and Business Park; IL-2-1	Industrial
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 19, 2006, the Kearny Mesa Community Planning Group voted 10-0-0 to recommend approval of CUP No. 290030 with the conditions that the applicant do whatever possible to make the tower seem less visible and that the term of the CUP be limited to 2014 at which time a different location or technology would be available.	



SITE NAME: CA 5124 MURPHY CYN. - 302250 CUP & PDP APPLICATION

DRAWING INDEX		REV.	DIRECTIONS	PROJECT INFORMATION										
T-1	TITLE SHEET	A	FROM ATO IRVINE OFFICE, TAKE HWY 9 SOUTH TOWARD SAN DIEGO. Take Left turn onto I-805 SOUTH - go 4.7 mi Take the CA-52 exit - go 3.2 mi Take the KEARNEY VILLA RD exit - go 0.5 mi Turn Right on KEARNEY VILLA RD - go 0.7 mi Arrive at 5571 KEARNEY VILLA RD, SAN DIEGO, on the Left.	SITE ADDRESS: 5571 KEARNEY VILLA ROAD SAN DIEGO, CA 92123										
A-1	SITE PLAN	A		PROPERTY OWNER: CITY OF SAN DIEGO REAL ESTATE ASSET 1200 THIRD AVE., 8TH FLOOR SAN DIEGO, CA 92101										
A-2	ENLARGED SITE PLAN	A		APPLICANT: AMERICAN TOWER CORPORATION, INC. 2201 DUPONT DR., #340 IRVINE, CA 92612 Tel. (949) 442-6600										
A-3	EXTERIOR ELEVATIONS	A		APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH. (619) 442-6600										
A-4	EXTERIOR ELEVATIONS	A		LATITUDE: 32° 50' 04.41" LONGITUDE: 117° 05' 11.08" ZONING: IL-2-1 JURISDICTION: CITY OF SAN DIEGO OCCUPANCY: U-1 APN NUMBER: 389-010-14 CURRENT USE: UNMANNED TELECOMMUNICATIONS FACILITY PROPOSED USE: UNMANNED TELECOMMUNICATIONS FACILITY										
B-1	SURVEY FOR REFERENCE ONLY	A												
NOTE: I-1 NOT REQUIRED: NO EXISTING OR PROPOSED LANDSCAPE			VICINITY MAP N.T.S.											
LEGAL DESCRIPTION SEE ATTACHED SURVEY PLAN FOR LEGAL DESCRIPTION.														
DEVELOPMENT SUMMARY AMERICAN TOWER CORPORATION IS REQUESTING APPROVAL FOR THE FOLLOWING PROJECT: CONDITIONAL USE PERMIT (CUP) & PLANNED DEVELOPMENT PERMIT (PDP)			PROJECT TEAM <table border="1"> <thead> <tr> <th>NAME</th> <th>COMPANY</th> <th>NUMBER</th> </tr> </thead> <tbody> <tr> <td>ARCHITECT: JORGE BASILIO, AIA</td> <td>BASILIO ASSOCIATES, INC.</td> <td>360 727-4200</td> </tr> <tr> <td>ZONING: DOUG KEARNEY</td> <td>AMERICAN TOWER CORPORATION</td> <td>360 442-6600</td> </tr> </tbody> </table>			NAME	COMPANY	NUMBER	ARCHITECT: JORGE BASILIO, AIA	BASILIO ASSOCIATES, INC.	360 727-4200	ZONING: DOUG KEARNEY	AMERICAN TOWER CORPORATION	360 442-6600
NAME	COMPANY	NUMBER												
ARCHITECT: JORGE BASILIO, AIA	BASILIO ASSOCIATES, INC.	360 727-4200												
ZONING: DOUG KEARNEY	AMERICAN TOWER CORPORATION	360 442-6600												
THE PROJECT REQUIRES THE RENEWAL OF EXPIRED CUP NO. 94-0478, ISSUED BY THE CITY OF SAN DIEGO FOR A WIRELESS TELECOMMUNICATIONS FACILITY. THIS APPLICATION REQUESTS THE CONTINUED OPERATION AND MAINTENANCE OF THE FACILITY LOCATED AT 5571 KEARNEY VILLA ROAD. THE FACILITY AS IT PRESENTLY EXISTS CONSISTS OF A 125 FOOT TALL MONOPOLE WITH THREE 30" SPINNT NEXTEL PANEL ANTENNAS MOUNTED AT 10 FEET, NINE 30" SPINNT NEXTEL PANEL ANTENNAS MOUNTED AT 75 FEET AND TWO 30" REDWIRE PANEL ANTENNAS MOUNTED AT 100 FEET. ONE 10 FOOT X 30 FOOT EQUIPMENT SHELTER IS LOCATED AT THE BASE OF THE POLE WITHIN THE LEASE AREA. DUE TO SPACE CONSTRAINTS AND THE LOCATION OF THE FACILITY, THERE IS NO LANDSCAPING EXISTING AS PART OF THE ORIGINAL APPROVALS AND NONE PROPOSED FOR THIS APPLICATION. AMERICAN TOWER IS REQUESTING THE CUP EXTENSION AND PDP IN ORDER TO ALLOW THE WIRELESS PROVIDERS AND THEIR CUSTOMERS UNINTERRUPTED WIRELESS TELEPHONE SERVICES.														



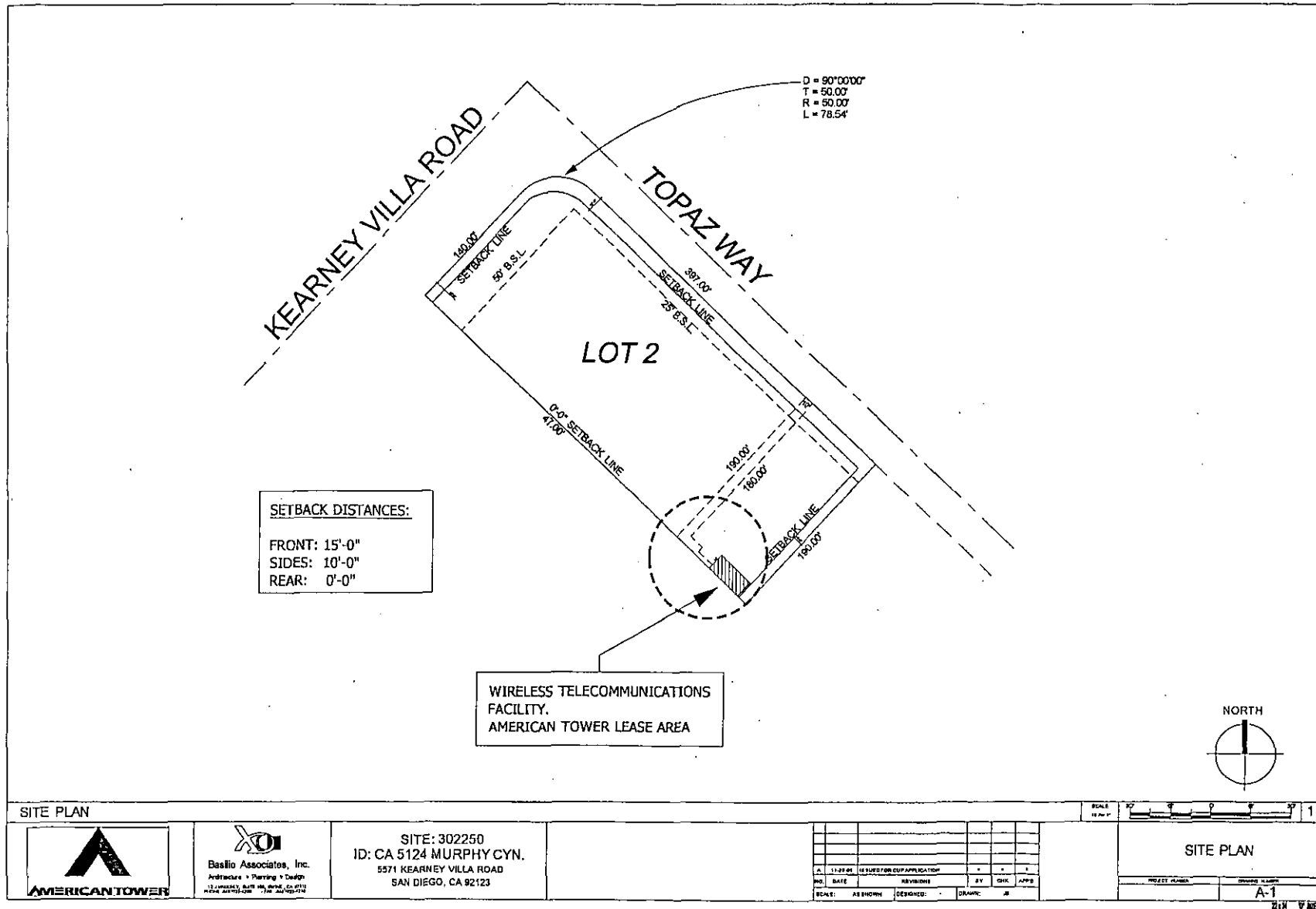
SITE: 302250
ID: CA 5124 MURPHY CYN.
5571 KEARNEY VILLA ROAD
SAN DIEGO, CA 92123

NO.	DATE	REVISIONS	BY	CHK	APPD
1	11-27-05	DESIGN FOR CUP APPLICATION			
2					
3					
4					
5					
6					
7					
8					
9					
10					

TITLE SHEET

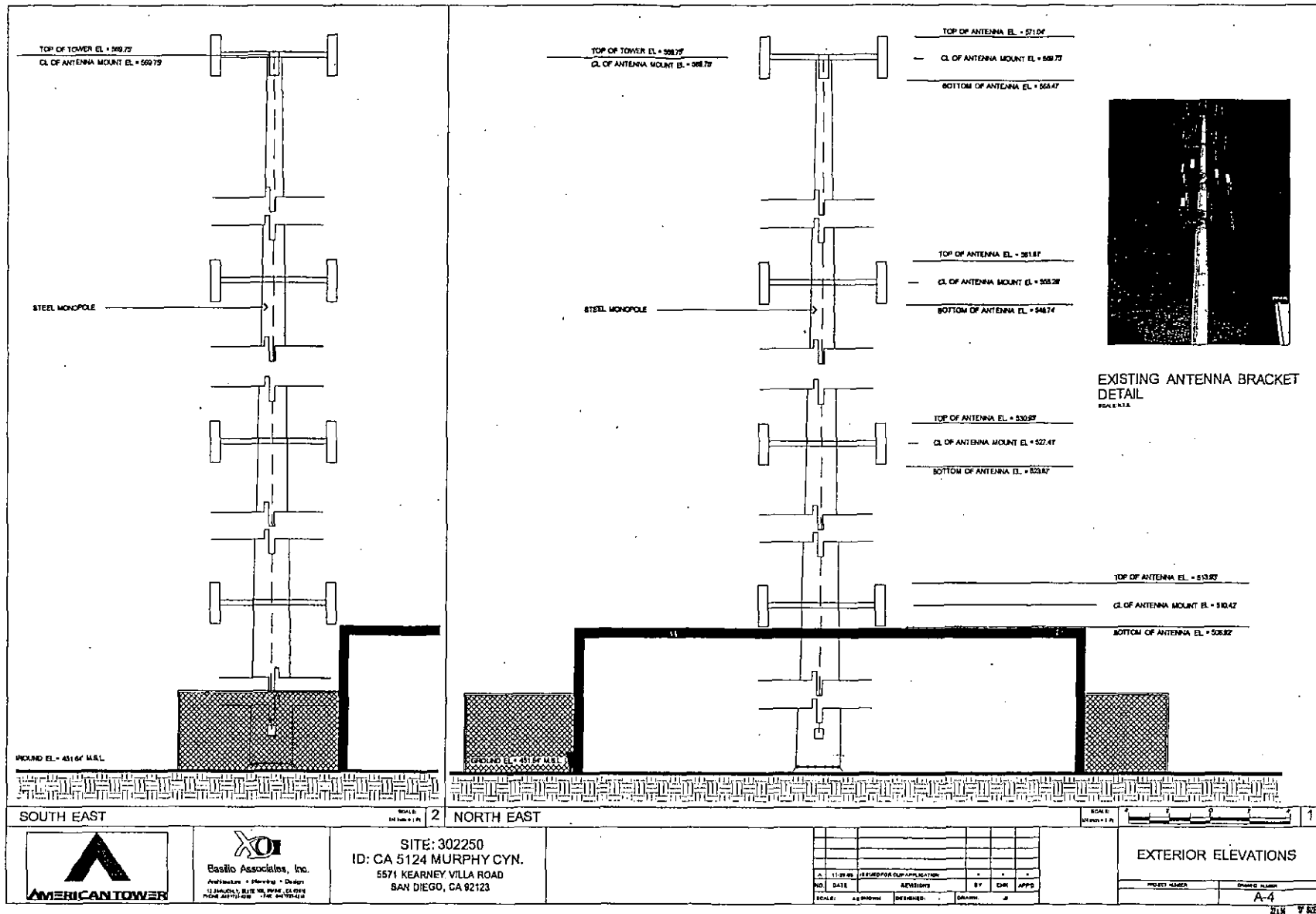
PROJECT NAME	PROJECT NUMBER
	T-1





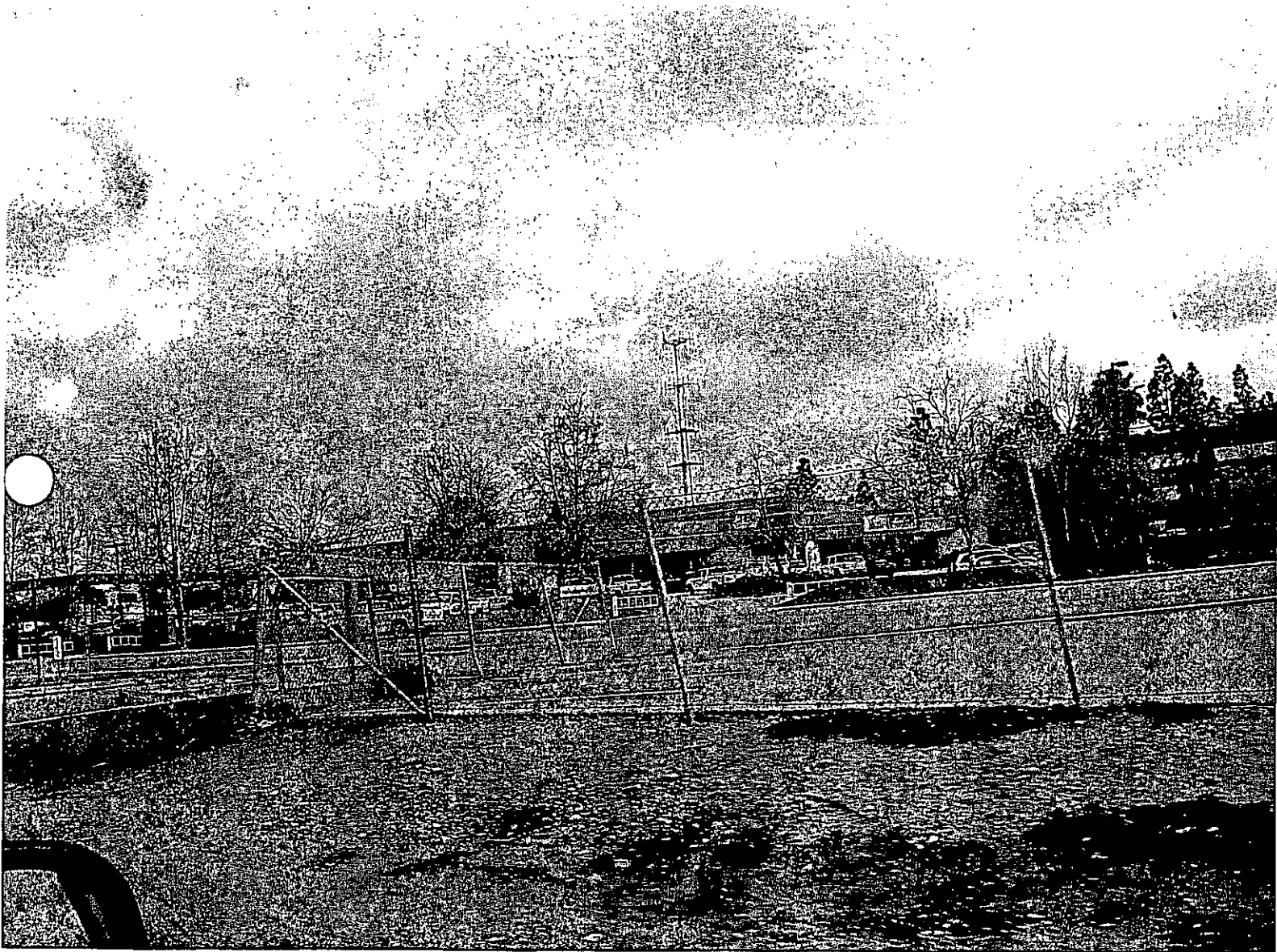


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ATTACHMENT C-6



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ATTACHMENT C-6



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Kearny Mesa Planning Group

C/O Gibbs Flying Service, Inc.
8906 Aero Drive, San Diego, CA 92123
858-277-0162 FAX 858-277-0854
www.geocities.com/kearnymesapanninggroup

May 3, 2006

Natalie De Freitas, Project Manager
Development Services
City of San Diego
1222 First Avenue, MS 302
San Diego, CA 92101

Re: American Tower CUP - 5571 Kearny Villa Road
Project No 90486, JO # 42-5671

To Karen Lynch-
Ashcraft
619-687-5982
From Buzz Gibbs

Dear Natalie,

At the regular April meeting of the Kearny Mesa Planning Group Mr. Doug Kearney presented the CUP request for the American Tower Corporation's Kearny Villa Road 120' monopole antenna to the full group. He distributed photos, drawings and a coverage graphic for the facility. This site is on the east side of Kearny Villa Road adjacent to the City's Metro Operations Maintenance building. The tower and the adjacent equipment shelter are on City property. The tower is very visible from I-163 and Kearny Villa Road. It is in an industrial area and adjacent to a newer office building. The site was a previously approved via CUP but that CUP has expired so this application is being processed like a new development. Many year ago the Kearny Mesa Planning Group created an antenna policy that suggested antenna towers should be limited to 80' in height.

During the presentation numerous members asked questions of the applicants. The main issues were the visibility of the tower structure and antenna array. The equipment shed is not visible from the public right of way. The group generally felt that the suggested conditions by development services to replace this facility and to meet all new codes were overly burdensome but that some direction to take advantage of technology changes is appropriate. Upon a motion made and seconded, the group voted 10-0-0 to recommend approval of this CUP with the conditions that the applicant do whatever he can to make this tower seem less visible today, like a light grey paint color instead of the dirty white, and that the CUP term be limited to the underlying lease whose term was presented as until 2014, at which time a different location or technology may be available, such as relocating to one of the new office towers that are being proposed, so that this tower could be replaced. The issues of the equipment shed and the setback were not significant to the group for this site as they are not visible.

If you have any questions on this matter, please give me a call.

Sincerely,

Buzz Gibbs

000380

HEARING OFFICER
RESOLUTION NO. HO-5698(3)
CONDITIONAL USE PERMIT NO. 290030
AMERICAN TOWER – KEARNY VILLA ROAD
PROJECT NO. 90486

WHEREAS, the City of San Diego, Owner and American Tower, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 290030), on portions of a 2 acre site;

WHEREAS, the project site is located at 5571 Kearny Villa Road in the IL-2-1 zone of the Kearny Mesa Community Planning area;

WHEREAS, the project site is legally described as Lot 2 of Mesa Industrial Tract Unit 1, Map No. 3533;

WHEREAS, on April 4, 2007, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 290030 pursuant to the Land Development Code of the City of San Diego; NOW,
THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated April 4, 2007.

FINDINGS:

Conditional Use Permit - Section 126.0305

1. The proposed development will not adversely affect the applicable land use plan;

This monopoly was originally approved by the Planning Commission on January 26, 1995. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Kearny Mesa Community Plan addresses wireless communication facilities as a specific land use.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the

environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions."

If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

This monopole was originally approved by the Planning Commission on January 26, 1995. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new technology and new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, neither the support structure, a 120 foot high monopole, nor the equipment shelter, a pre-fabricated structure, are camouflaged or integrated into the landscape. The monopole is situated in a primarily industrial area near Highway-163, which serves as a major north south transportation corridor.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Kearny Villa Road project does not conform to this code requirement. As it exists, it is a major visual impact this area of Kearny Mesa, adjacent to Highway-163, which serves as a major transportation corridor through the city. Many commuters pass through this section of the city on a daily basis and are subjected to the unsightliness associated with the project.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate these types of facilities. However, the pole is being used for one carrier and the upper 42-feet is absent antennas, substantiating the fact that a 120 foot high tower is unnecessary at this location.

Due to its primarily industrial land use, Kearny Mesa has several antenna towers in and around the community. The regulations limit the number of major telecommunication facilities so that no more than one facility can be within a half-mile of another major telecommunication facility, promoting the code requirement to blend in with surroundings.

Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility, reduced in height to accommodate the one tenant existing on the pole would better integrate into the property. Consideration should also be given to the proximity to Highway-163 and its prominence in the Kearny Mesa community.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 290030 is hereby DENIED by the Hearing Officer to the referenced Owner/Permittee.

Karen Lynch-Ashcraft
Development Project Manager
Development Services

Adopted on: June 28, 2007

Job Order No. 42-5671

1995-0211161
17-MAY-1995 10:19 AM

000383

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

910

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER

RF:	13.00	FEES:	31.00
AF:	17.00		
MF:	1.00		

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 94-0479
PLANNING COMMISSION
MURPHY CANYON COMMUNICATIONS FACILITY

This Conditional Use Permit is granted by the Planning Commission of the City of San Diego to ALBERT E. TREPTE FAMILY TRUST, ALBERT E. AND CELESTE A. TREPTE, TRUSTEES, Owner; and NEXTEL COMMUNICATIONS, Permittee pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct and maintain an unmanned communications facility, located at 5571 Kearny Villa Road, described as Lot 2 of Mesa Industrial Tract Unit 1, Map 3533, in the M-1B Zone.

2. The facility shall consist of the following:

- a. A 120-foot-high monopole antenna containing a maximum of three omni-whip antennas and twelve panel/directional antennas EXCEPT as provided for in Condition 14;
- b. A maximum 10-foot x 20-foot (200 square feet) pre-fabricated equipment storage room EXCEPT as provided for in Condition 14;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Development Services Director.

3. Parking spaces shall be consistent with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Development Services Department standards. Parking areas shall be marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use. No additional parking is proposed nor required for this project.

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Section 101.0435.2.E SDMC (M-1B Zone) regulates parking as a percentage of lot area. The currently developed property provides the required parking area.

4. No permit for construction or operation of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Development Services Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformance to Exhibit "A," dated January 26, 1995, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

6. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510.k. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

7. This Conditional Use Permit shall be valid for a period not to exceed 10 years. Prior to the expiration date, the property Owner/Permittee may:

- a. Submit a completed application for a new Conditional Use Permit to operate on this site, complying with all regulations and guidelines for communications facilities in effect at the time; or
- b. Cease all operations/activities on the site, and remove the monopole, equipment room and any other items related to the operation of the facility from the property.

8. The 10 (ten) year period shall commence on the date that the CUP is approved by action of the Planning Commission, or City Council if appealed.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

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10 After establishment of the project, the property shall not be used for any other purposes unless:

- a. An amendment to this permit is approved by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

11. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

12. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

13. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

14. The applicant/lessee shall have the option to sublease a portion of the maximum 120' -0" high monopole for the purpose of co-location of a communications carrier facility. A maximum of three additional omni-whip and a maximum of twelve additional panel/directional antennas will be permitted provided that they are operated by another communications provider and service citizens within the greater San Diego area. Plan submittal and review of the co-location option shall be made available through the Substantial Conformity Review Process, of the Development and Environmental Planning Division. One additional equipment storage room (200 square feet maximum) may be approved provided that it does not adversely impact views from public rights-of-way. This structure shall be permitted to observe a minimum 5' -0" south side yard setback where 19' -0" is required.

The purpose and intent in granting this option is to reduce the need for additional monopole facilities within the surrounding community.

15. Prior to issuance of any building permits, the applicant shall advertise/notify all known communication competitors within San Diego County (U.S. West, Airtouch and any others), in writing by certified mail, of the availability of this site for purposes of co-location at competitive market rates for the industry. A legal notice to this effect shall be published in the San Diego Daily TRanscript newspaper. Satisfactory evidence of compliance

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with this condition (copies of letters sent) shall be provided to the Development Services Director, prior to issuance of any permits for the monopole.

16. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

17. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

18. A yard variance is hereby granted pursuant to Section 101.0510D: SDMC, to allow the monopole, antennas and equipment shelter to observe 10' -0", 4' -0" and 5' -0" south side yard respectively where 19' -0" is required.

Passed and adopted by the Planning Commission on January 26, 1995 by a vote of 7-0.

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project will fully comply with various structural requirements of the Permit Services Division of the Development Services Department for mounted communications equipment.

FINDINGS REQUIRED FOR THE VARIANCE (SECTION 101.0502D. SDMC):

- A. THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS APPLYING TO THE LAND OR BUILDINGS FOR WHICH THE ADJUSTMENT IS SOUGHT, WHICH CIRCUMSTANCES OR CONDITIONS ARE PECULIAR TO SUCH LAND OR BUILDINGS IN THE NEIGHBORHOOD. SUCH CONDITIONS SHALL NOT HAVE RESULTED FROM ANY ACT OF THE APPLICANT SUBSEQUENT TO THE ADOPTION OF THE APPLICABLE ZONING ORDINANCE.

The building located at 5571 Kearny Villa Road currently observes a 20' -0" south side yard setback, and due to its placement on the lot, will minimize the impact of the project from adjacent properties and public views. Existing mature landscaping exists between the site and the adjacent property to the south, providing a visual buffer.

- B. THE AFORESAID CIRCUMSTANCES OR CONDITIONS ARE SUCH THAT THE STRICT APPLICATION OF THE PROVISIONS OF THE ORDINANCE WOULD DEPRIVE THE APPLICANT OF THE REASONABLE USE OF THE LAND OR BUILDINGS AND THAT THE VARIANCE GRANTED BY THE CITY IS THE MINIMUM VARIANCE THAT WILL ACCOMPLISH THIS PURPOSE.

The site of the proposed project is located on the most preferable portion of the site well outside of the front and street side yard setbacks. No adverse impacts of this project are anticipated.

- C. THE GRANTING OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING REGULATIONS AND WILL NOT BE INJURIOUS TO THE NEIGHBORHOOD OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE.

The variance sought is the minimum variance required to allow applicant reasonable use of this currently developed property.

- D. THE GRANTING OF THE VARIANCE WILL NOT ADVERSELY AFFECT THE PROGRESS GUIDE AND GENERAL PLAN FOR THE CITY OF SAN DIEGO OR THE ADOPTED COMMUNITY PLAN FOR THE AREA.

The proposed development is generally consistent with the Progress Guide and General Plan and the Kearny Mesa Community Plan.

ORIGINAL

000388

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference. 016

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 94-0479 is hereby GRANTED to ALBERT E. TREPTE FAMILY TRUST, ALBERT E. AND CELESTE A. TREPETE, TRUSTEES, Owner; and NEXTEL COMMUNICATIONS, Permittee, in the form and with the terms and conditions set forth in Conditional Use Permit No. 94-0479, a copy of which is attached hereto and made a part hereof.


Robert Korch
Senior Planner

Adopted on: January 26, 1995

By a vote of: 7-0

ORIGINAL

ALL-PURPOSE CERTIFICATE

000389

917

Type/Number of Document CUP 94-0479

Date of Approval January 26, 1995

STATE OF CALIFORNIA

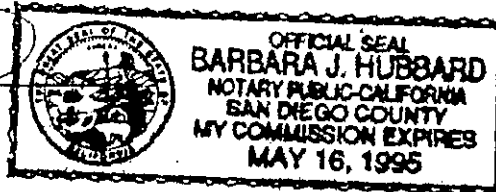
COUNTY OF SAN DIEGO

Robert Korch
Robert Korch, Senior Planner

On April 14, 1995 before me, BARBARA J. HUBBARD (Notary Public), personally appeared Robert Korch, Senior Planner of the Development Services Department of the City of San Diego, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument the person, the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard
Barbara J. Hubbard



(Seal)

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

Signed Celeste A. Trepte
Typed Name ALBERT E. TREPTE, TRUSTEE
ALBERT TREPTE FAMILY TRUST

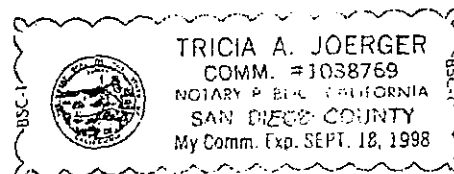
Signed Celeste A. Trepte
Typed Name CELESTE A. TREPTE, TRUSTEE
ALBERT TREPTE FAMILY TRUST

STATE OF CaliforniaCOUNTY OF San Diego

On April 14, 1995 before me, Tricia A. Joerger (Name of Notary Public) personally appeared Albert E. Trepte and Celeste A. Trepte, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Tricia A. Joerger



(Seal)

ORIGINAL

PERMITTEE(S) SIGNATURE/NOTARIZATION:

ATTACHMENT C-9

918

000390
I, THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY
CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF
PERMITTEE(S) THEREUNDER.

Witnessed:
Witness Name VIRGINIA A. PARTRIDGE
NEXTTEL

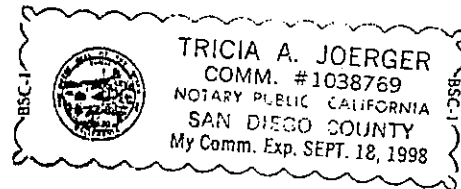
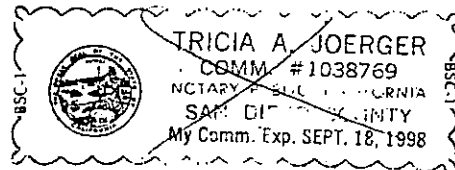
Signed V. A. Partridge
Typed Name

CITY OF California
COUNTY OF San Diego

4-25-95 before me, TRICIA A. JOERGER (Name of Notary Public)
personally appeared V. A. Partridge
personally known to me (or proved to me on the basis of satisfactory evidence)
to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Signature Tricia A. Joerger (Seal)



ORIGINAL



000391

THE CITY OF SAN DIEGO

Date of Notice: June 14, 2007

**NOTICE OF PUBLIC HEARING
APPEAL TO PLANNING COMMISSION**

Job Order Number: 42-5671

As a property owner, tenant, or person who has requested notice, you should know that a public hearing will be held by the Planning Commission to consider an appeal on an application for a wireless communication facility consisting of an existing 120 foot high monopole and a 200 square foot equipment shelter, originally approved by CUP No. 94-0479, which expired on January 26, 2005. The facility is located at 5571 Kearny Villa Road.

DATE OF HEARING:	June 28, 2007
TIME OF HEARING:	9:00 a.m.
LOCATION OF HEARING:	Council Chambers, 12 th floor, City Administration Building, 202 C Street, San Diego, CA 92101
PROJECT TYPE/PROJECT NUMBER:	Conditional Use Permit/ PTS No. 90486
PROJECT NAME:	<u>AMERICAN TOWER – KEARNY VILLA ROAD</u>
APPLICANT NAME:	Jim Kelly, American Tower Corporation
COMMUNITY PLAN AREA:	Kearny Mesa
COUNCIL DISTRICT:	6
CITY PROJECT MANAGER:	Karen Lynch-Ashcraft, Development Project Manager
PHONE NUMBER:	(619) 446-5351

The decision made by the Planning Commission is the final decision by the City.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from the California Environmental Quality Act on March 1, 2007 and the opportunity to appeal that determination ended March 15, 2007.

If you have any questions about this matter, you can contact the City Project Manager listed above. This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at 236-5979, at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.



City of San Diego
Development Services
2222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☒ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name
Robert Jystad, Channel Law Group, LLP on behalf of applicant American Tower Corporation

Address City State Zip Code Telephone
100 Oceangate, Suite 1400 Long Beach CA 90802 (310) 209-8515

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Doug Kearney, American Tower Corporation

4. Project Information

Permit/Environmental Determination & Permit/Document No.: CUP No. 94-0479	Date of Decision/Determination: April 4, 2007	City Project Manager: Karen Lynch Ashcraft
--	--	---

Decision (describe the permit/approval decision):

Deny Conditional Use Permit No. 290030 (Kearny Villa - PTS No. 90486)

5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error (Process Three and Four decisions only)
☐ Conflict with other matters (Process Three and Four decisions only)
☒ Findings Not Supported (Process Three and Four decisions only)
☐ New Information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

Hearing Officer made findings 1 and 2 in the affirmative but denied permit on grounds that he could not make findings 3 and

4 because the project does not comply to maximum extent feasible with Land Development Code.

This determination is based on the unsupported assertion that the City imposed 10 year time limits in order to require replacement of existing facilities and that carriers should have designed their networks to accommodate the removal or replacement of these facilities. Evidence in the record contradicts staff's assertion and the hearing officer did not properly take such evidence into account. Applicant had reasonable expectation of renewal of its permits subject to compliance with conditions and applicants' tenant relied on those expectations in the construction of their networks.

Applicant reserves right to supplement these grounds for appeal.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Robert Jystad

Date:

April 11, 2007

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

000393

ATTACHMENT C-12



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☒ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

Project No. For City Use Only

WIRELESS TELECOM FACILITY CUP RENEWAL

Project Address:

5571 KEARNEY VILLA RD

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

000394

Project Title:

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership**Legal Status (please check):**

☒ Corporation ☒ Municipal
☐ Limited Liability -or- ☐ General What State? CA Corporate Identification No. _____
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

Corporate/Partnership Name (type or print):

City of San Diego

☒ Owner ☐ Tenant/LesseeStreet Address: 1200 THIRD AVE, STE 1200City/State/Zip: SAN DIEGO CA 92101Phone No: 619-236-1020 Fax No: 619-236-6706Name of Corporate Officer/Partner (type or print):
Paul T. CrawfordTitle (type or print):
Property AgentSignature: Paul T. Crawford Date: 11-8-05

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

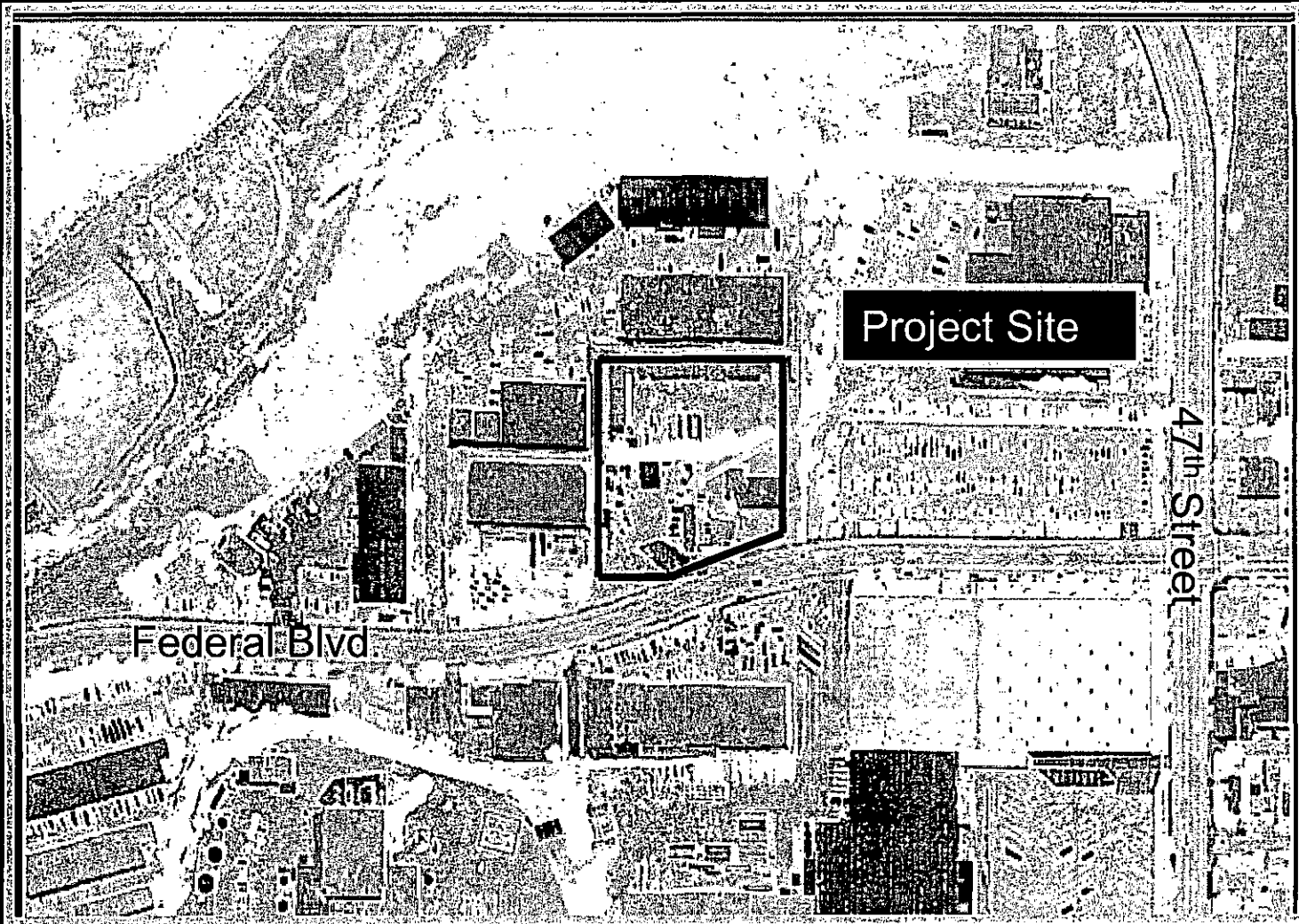
Signature: Date:

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ATTACHMENT D

American Tower
Corporation – Federal
(Verizon)
CUP
Project No. 91175

000396

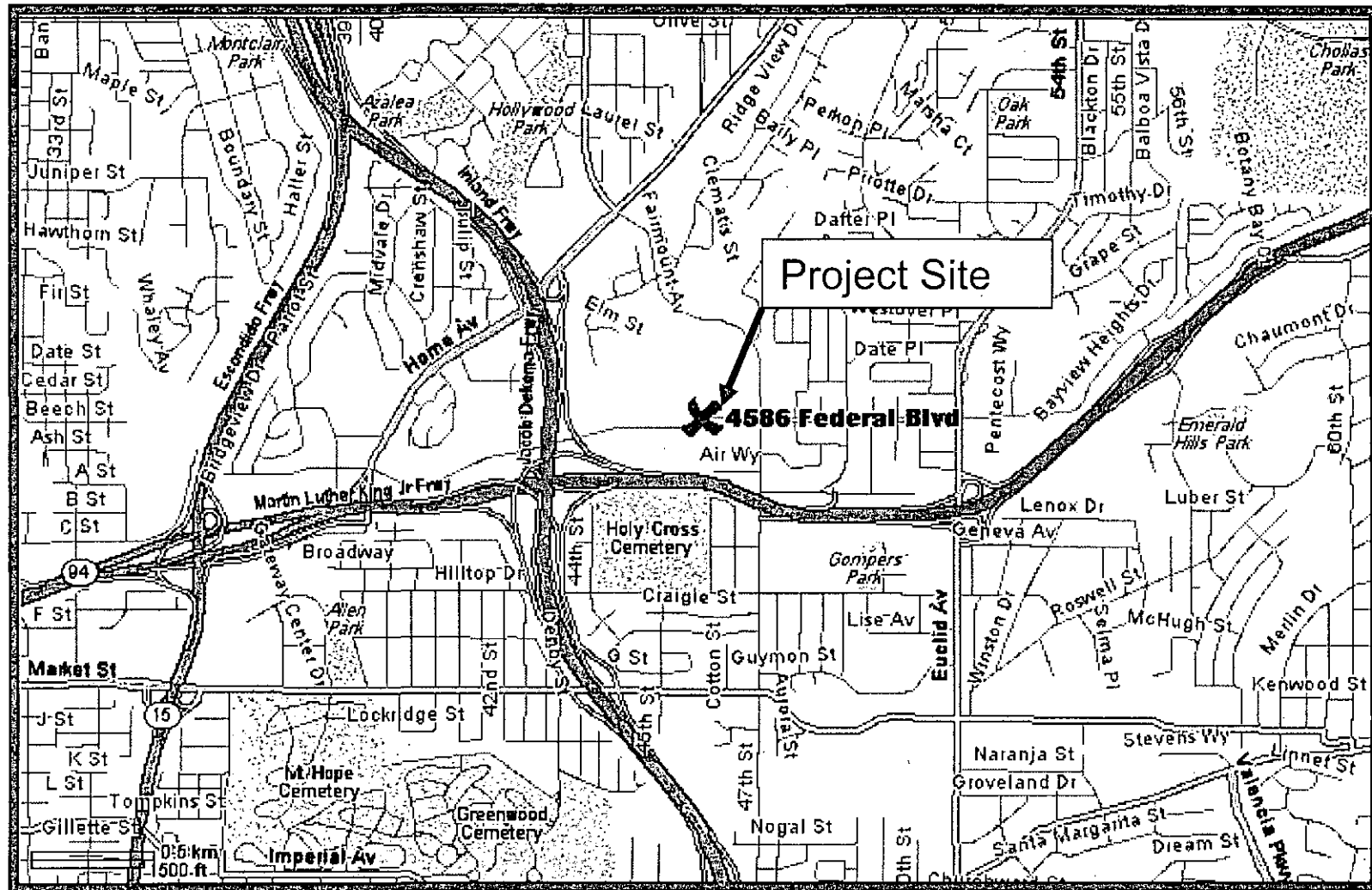


ATTACHMENT D-1



Aerial Photo
AMERICAN TOWER – FEDERAL BOULEVARD – PROJECT NUMBER 91175
4586 FEDERAL BOULEVARD



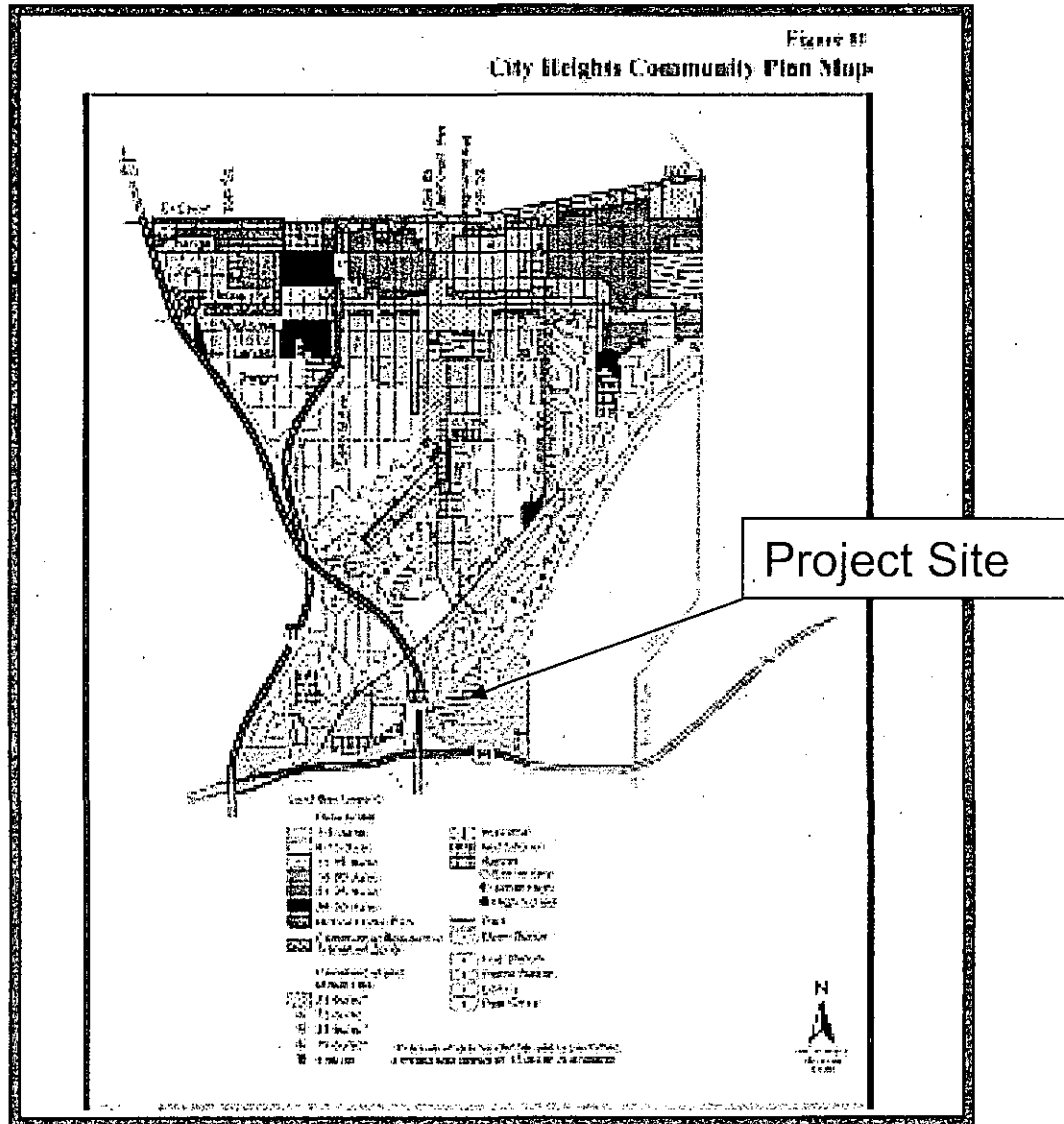


Project Location Map

AMERICAN TOWER – FEDERAL BOULEVARD – PROJECT NUMBER 91175
4586 FEDERAL BOULEVARD



000398



ATTACHMENT D-3



CITY HEIGHTS COMMUNITY PLAN MAP

AMERICAN TOWER – FEDERAL BOULEVARD – PROJECT NUMBER 91175

4586 FEDERAL BOULEVARD



000399

ATTACHMENT D-4

PROJECT DATA SHEET

PROJECT NAME:	American Tower – Federal Boulevard	
PROJECT DESCRIPTION:	A wireless communication facility consisting of an existing 100 foot high monopole and a 450 square-foot equipment shelter.	
COMMUNITY PLAN AREA:	City Heights	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial	
<u>ZONING INFORMATION:</u> ZONE: IL-3-1 HEIGHT LIMIT: None. FRONT SETBACK: 15 feet. SIDE SETBACK: 10 feet. REAR SETBACK: 0		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial; IL-3-1	Industrial
SOUTH:	Industrial; IL-2-1	Industrial
EAST:	Industrial; IL-2-1	Industrial
WEST:	Industrial; IL-3-1	Industrial
COMMUNITY PLANNING GROUP RECOMMENDATION:	On March 6, 2006, the City Heights Area Planning Committee voted 10-2-0 to recommend approval of CUP No. 292612. Their vote included a recommendation to improve the landscape on site and also to provide suitably located street trees.	

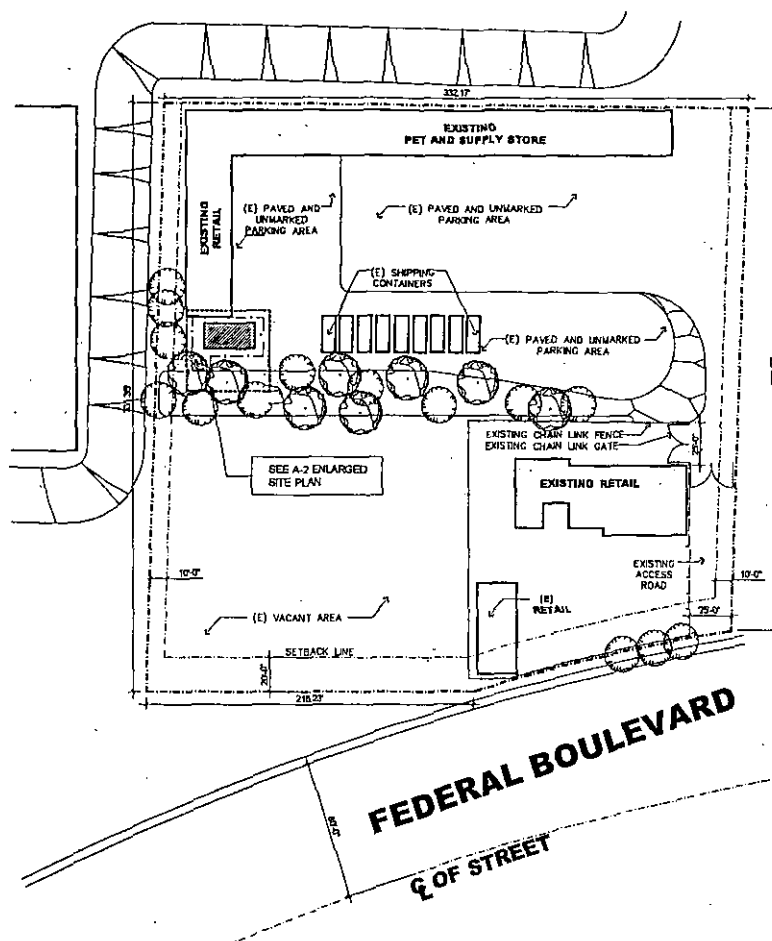
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SITE NAME: 300636 - CA 0055 HWY 805-94 CUP & PDP APPLICATION

DRAWING INDEX	REV.	DIRECTIONS	PROJECT INFORMATION												
T-1 TITLE SHEET	A	DIRECTIONS FROM ATC IRVINE OFFICE, TAKE HWY 5 SOUTH TOWARD SAN DIEGO, Take Left fork onto I-805 SOUTH - go 14.5 mi Take the HOME AVE exit - go 0.3 mi Turn Left on HOME AVE - go 0.3 mi Turn Right on FARMINGTON AVE - go 0.5 mi Continue on 47TH ST - go 0.2 mi Turn Right on FEDERAL BLVD - go 0.2 mi Arrive at 4568 FEDERAL BLVD, SAN DIEGO, on the Right	SITE ADDRESS: 4568 FEDERAL BLVD SAN DIEGO, CA 92108 PROPERTY OWNER: VIKAR INVESTMENT LLC 1155 FREEDOM STREET SPRING VALLEY, CA 94177 APPLICANT: AMERICAN TOWER CORPORATION INC. 2201 DUNHUNT DR, # 300 IRVINE, CA 92612 Tel: (949) 442-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949) 442-8408												
A-1 SITE PLAN	A		APPLICANT: AMERICAN TOWER CORPORATION INC. 2201 DUNHUNT DR, # 300 IRVINE, CA 92612 Tel: (949) 442-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949) 442-8408												
A-2 CHARGED SITE PLAN	A			APPLICANT: AMERICAN TOWER CORPORATION INC. 2201 DUNHUNT DR, # 300 IRVINE, CA 92612 Tel: (949) 442-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949) 442-8408											
A-3 EXTERIOR ELEVATIONS	A				APPLICANT: AMERICAN TOWER CORPORATION INC. 2201 DUNHUNT DR, # 300 IRVINE, CA 92612 Tel: (949) 442-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949) 442-8408										
A-4 EXTERIOR ELEVATIONS	A					APPLICANT: AMERICAN TOWER CORPORATION INC. 2201 DUNHUNT DR, # 300 IRVINE, CA 92612 Tel: (949) 442-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949) 442-8408									
L-1 EXISTING LANDSCAPE DRAWING	A	VICINITY MAP	APPLICANT: AMERICAN TOWER CORPORATION INC. 2201 DUNHUNT DR, # 300 IRVINE, CA 92612 Tel: (949) 442-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949) 442-8408												
LEGAL DESCRIPTION		N.T.S.													
LOT 1, CRISTMAN HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, ACCORDING TO MAP THEREOF NO. MAP 4878, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 3, 1981, IN THE STATE OF CALIFORNIA.															
DEVELOPMENT SUMMARY		APPLICANT: AMERICAN TOWER CORPORATION INC. 2201 DUNHUNT DR, # 300 IRVINE, CA 92612 Tel: (949) 442-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949) 442-8408													
AMERICAN TOWER CORPORATION IS REQUESTING APPROVAL FOR THE FOLLOWING PROJECT: CONDITIONAL USE PERMIT (CUP) & PLANNED DEVELOPMENT PERMIT (PDP) THE PROJECT REQUIRES THE RE-ISSUANCE OF EXPIRED CUP NO. 94-0827, ISSUED BY THE CITY OF SAN DIEGO FOR A WIRELESS TELECOMMUNICATIONS FACILITY. THIS APPLICATION REQUESTS THE CONTINUED OPERATION AND MAINTENANCE OF THE FACILITY LOCATED AT 4568 FEDERAL BOULEVARD. THE FACILITY AS IT PRESENTLY EXISTS CONSISTS OF A 100 FOOT TALL MONOPOLE WITH FIFTEEN (15) VERIZON PANEL ANTENNAS MOUNTED AT 98 FEET AND TWELVE (12) VERIZON PANEL ANTENNAS MOUNTED AT 92 FEET AND ONE (1) MICROWAVE DISH MOUNTED AT 82 FEET. ONE 15 FOOT X 30 FOOT EQUIPMENT SHELTER IS LOCATED AT THE BASE OF THE POLE WITHIN THE LEASE AREA. DUE TO SPACE CONSTRAINTS DUE TO EXISTING LANDSCAPE PER THE ORIGINAL CUP, THERE IS NO NEW LANDSCAPING PROPOSED FOR THIS APPLICATION. AMERICAN TOWER IS REQUESTING A CUP AND PDP IN ORDER TO ALLOW THE WIRELESS PROVIDER AND THEIR CUSTOMERS UNINTERRUPTED WIRELESS TELEPHONE SERVICES.		APPLICANT: AMERICAN TOWER CORPORATION INC. 2201 DUNHUNT DR, # 300 IRVINE, CA 92612 Tel: (949) 442-8400 APPLICANT CONTACT: DOUGLAS KEARNEY ZONING SPECIALIST PH: (949) 442-8408													
		SITE QUALIFICATION PARTICIPANTS													
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NAME</th> <th>COMPANY</th> <th>NUMBER</th> </tr> </thead> <tbody> <tr> <td>ARCHITECT</td> <td>JORGE BASKIO, AIA</td> <td>BASKIO ASSOCIATES, INC. (949) 727-4200</td> </tr> <tr> <td>ZONING:</td> <td>DOUG KEARNEY</td> <td>AMERICAN TOWER CORPORATION (949) 442-8402</td> </tr> </tbody> </table>		NAME	COMPANY	NUMBER	ARCHITECT	JORGE BASKIO, AIA	BASKIO ASSOCIATES, INC. (949) 727-4200	ZONING:	DOUG KEARNEY	AMERICAN TOWER CORPORATION (949) 442-8402			
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ZONING:	DOUG KEARNEY	AMERICAN TOWER CORPORATION (949) 442-8402													
		TITLE SHEET													
Baskio Associates, Inc. Architecture • Planning • Design 1155 FREEDOM STREET, SUITE 200 SPRING VALLEY, CA 94177		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> <th>BY</th> <th>CHK</th> <th>APP'D</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>01-01-01</td> <td>FOR CUP APPLICATION</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		NO.	DATE	REVISION	BY	CHK	APP'D	1	01-01-01	FOR CUP APPLICATION			
NO.	DATE	REVISION	BY	CHK	APP'D										
1	01-01-01	FOR CUP APPLICATION													
SITE No.: 300636 ID: CA 0055 HWY 805-94 4568 FEDERAL BLVD. SAN DIEGO, CA 92108		PROJECT NUMBER: 1-1 DRAWING NUMBER: 1-1													

000401



SITE PLAN



XO
Castillo Associates, Inc.
Architecture + Planning + Design
12 JAVIERA DRIVE, SUITE 100, SAN DIEGO, CA 92108
TEL: 619.594.8800 FAX: 619.594.8801

SITE No.: 300636
ID: CA 0055 HWY 805-94
4586 FEDERAL BLVD.
SAN DIEGO, CA 92108

NO.	DATE	REVISION	BY	CHK	APPROV.
1	12-08-08	ORDER FOR EUP APPLICATION			
2					
3					
4					
5					
6					
7					
8					
9					
10					

SCALE 1" = 10'

SITE PLAN

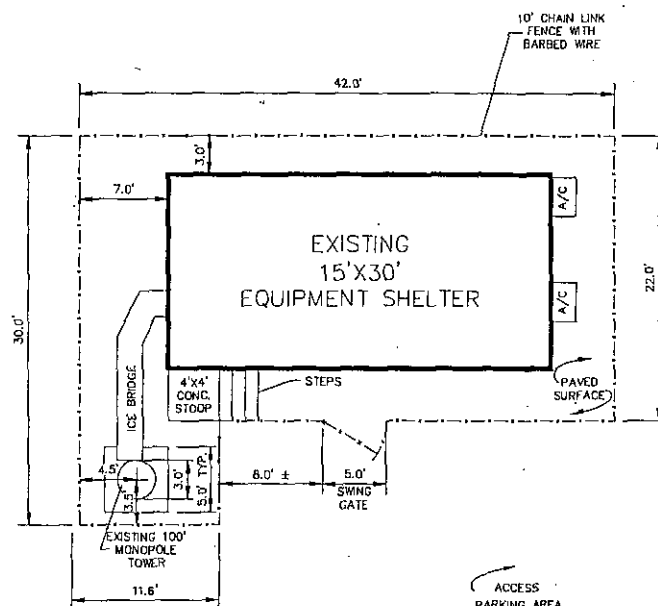
PROJECT NUMBER

ISSUE NUMBER

A-1

2/1/10

000402



ACCESS
PARKING AREA
300' IN LENGTH



ENLARGED SITE PLAN



Basilio Associates, Inc.
Architecture + Planning + Design
12 LAMARCA BLVD. SUITE 100, SAN DIEGO, CA 92108
PHONE (619) 594-0001 FAX (619) 594-0002

SITE No.: 300636
ID: CA 0055 HWY 805-94
4696 FEDERAL BLVD.
SAN DIEGO, CA 92105

NO.	DATE	REVISIONS	BY	CHK	APPRO.
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

SCALE:
1" = 10' ±

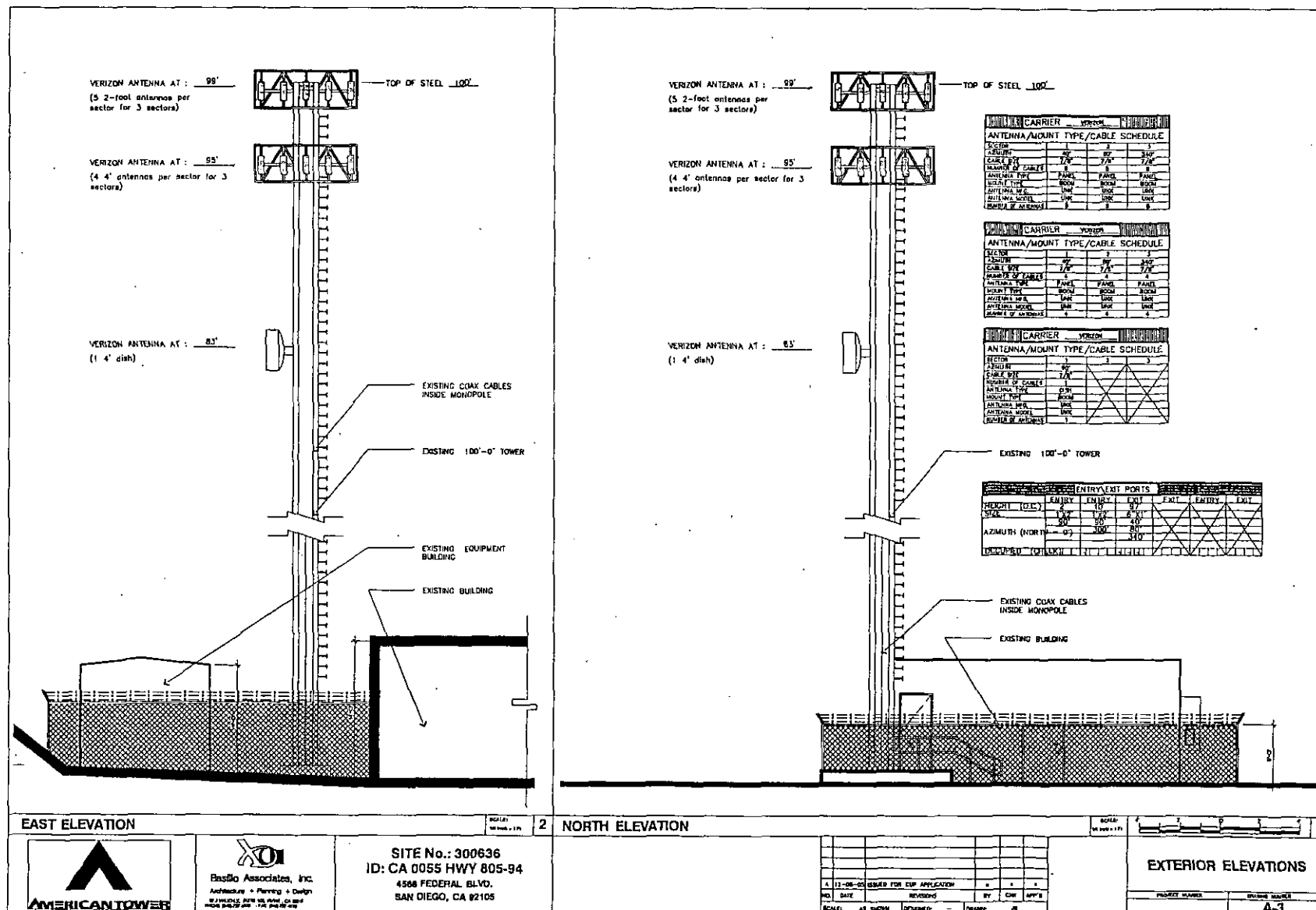
1

ENLARGED SITE PLAN

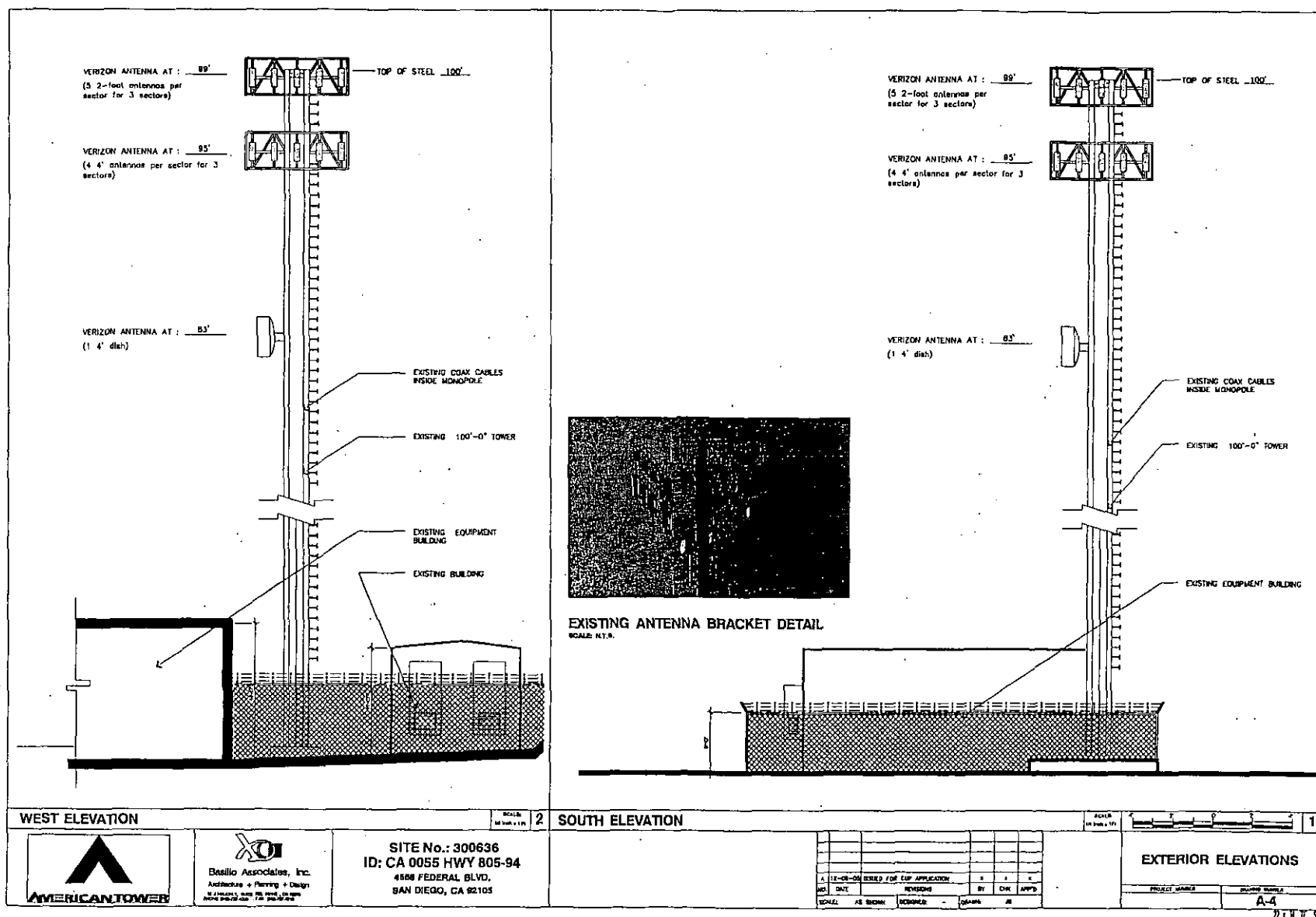
PROJECT NUMBER: A-2

22, N V 92

00440.1



000404





AMERICAN TOWER



Basilio Associates, Inc.
Architecture + Planning + Design
15 J. MULLICH, SUITE 100, IRVINE, CA 92614
PHONE (949) 72-4000 • FAX (949) 72-4038

SITE No.: 300636
ID: CA 0055 HWY 805-94
4506 FEDERAL BLVD.
SAN DIEGO, CA 92105

A	12-06-05	ISSUED FOR EUP APPLICATION			
NO.	DATE	REVISIONS	BY	CHK	APP

LANDSCAPE PLAN

PRODUCT	MASS	CONCENTRATION	MASS PERCENT
		1	1

22 MAY 1964

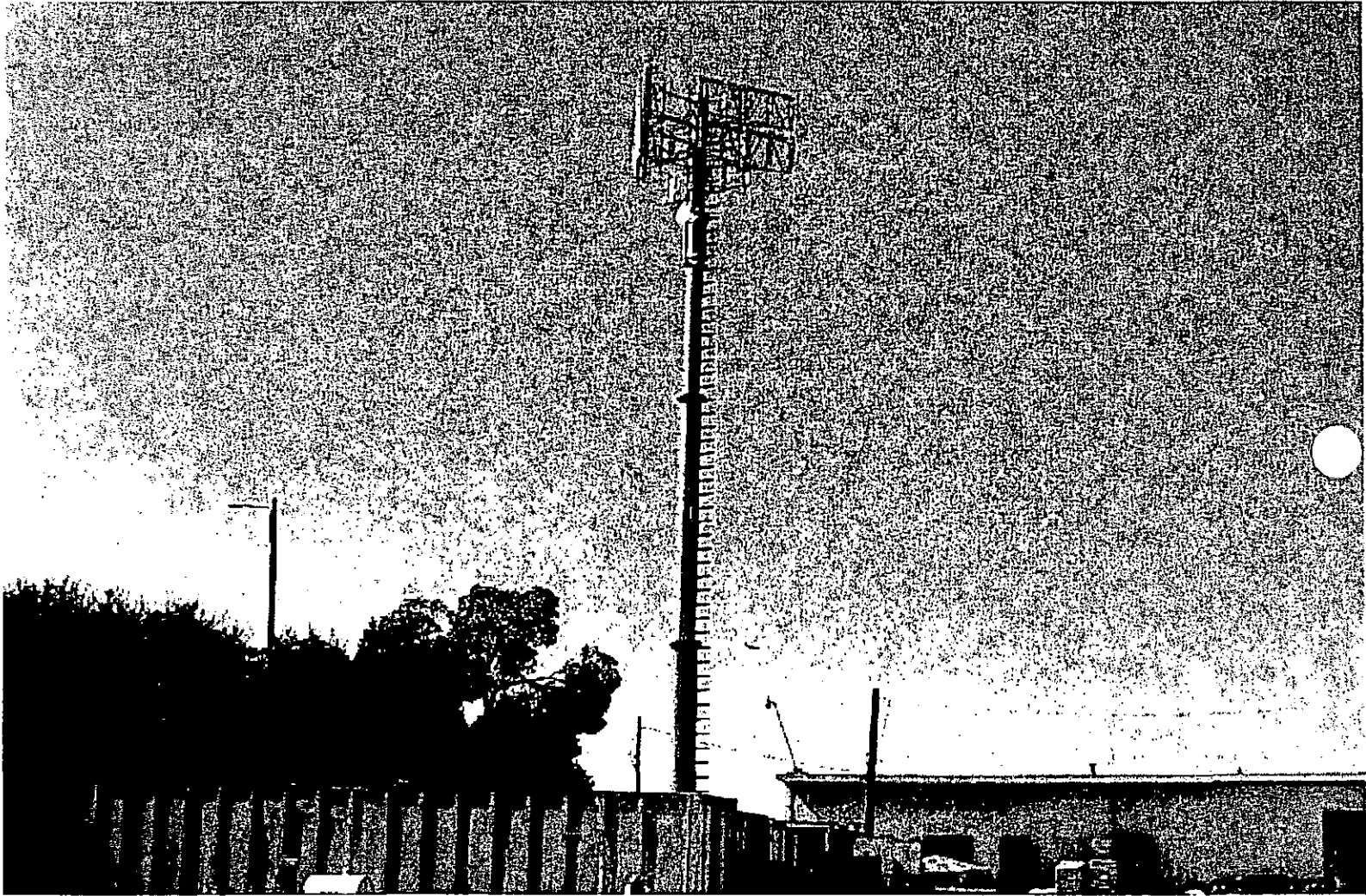
000406

ATTACHMENT D-6



000407

ATTACHMENT D-6




000408

City Heights Area Planning Committee

Postoffice Box 5859
San Diego CA 92165
(619) 280-3910

March 17, 2006

MEMORANDUM FOR: DPM Natalie De Freitas

From: Jim Varnadore, Chair 

Subj: PTN91175 - 4586 Federal Boulevard

1. At its March 2006 meeting, the Committee heard the subject application. After discussion, it was move and seconded to recommend approval. The Committee voted 10/2/0 (chair not voting) and the motion passed.
2. During the discussion, the Committee strongly recommended improvement of the landscaping in the parcel where the facility is located and as well, planting suitably located street trees along the street adjacent to the parcel.

PLANNING COMMISSION
RESOLUTION NO.
CONDITIONAL USE PERMIT NO. 292612
AMERICAN TOWER – FEDERAL BOULEVARD
PROJECT NO. 91175

WHEREAS, H & H Diversified Investment Co.LLC., Owner and American Tower, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 292612, on portions of a 2.8 acre site;

WHEREAS, the project site is located at 4586 Federal Boulevard in the IL-3-1 zone of the City Heights community within the Mid-Cities Community Planning area;

WHEREAS, the project site is legally described as Lot 1, Christman Heights, in the City of San Diego, County of San Diego, according to map thereof No. 4870 ;

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 292612 pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 28 2007.

FINDINGS:

Conditional Use Permit - Section 126.0305

1. The proposed development will not adversely affect the applicable land use plan;

This facility was originally approved by the Planning Commission on February 2, 1995. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Mid-Cities Community Plan addresses wireless communication facilities as a specific land use.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions."

If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

This facility was originally approved by the Planning Commission on February 2, 1995. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, neither the support structure, a 100 foot high monopole, nor the 390 square-foot equipment shelter are camouflaged or integrated into the landscape. The facility is situated prominently along Federal Boulevard, adjacent to Highway-94 which serves as a major east west transportation corridor and it poses a significant visual impact to the skyline when viewed from most parts of this area of the City Height community.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Federal Boulevard project does not conform to this code requirement. As it exists, it is a significant visual impact along Federal Boulevard and Highway-94. Many commuters pass through this section of the city on a daily basis and are subjected to the unsightliness associated with the project.

Additionally, the regulations limit the number of major telecommunication facilities so that no more than one facility can be within a half-mile of another major telecommunication facility. There are other major telecommunication facilities located within one half mile of this project site.

Therefore, the project does not comply to the maximum extent feasible, with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate these types of facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the property and takes into consideration, its surroundings and the proximity to Federal Boulevard and Highway-94 would be appropriate at this location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 292612 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee.

Karen Lynch-Ashcraft
Development Project Manager
Development Services

Adopted on: June 28, 2007

Job Order No. 42-5717

000412

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

2081

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER

RF: 12.00
AF: 15.00
MF: 1.00

FEES:

28.00

Ex 2/2/05

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 94-06274
PLANNING COMMISSION
94-805 AIRTOUCH CELLULAR

This Conditional Use Permit is granted by the Planning Commission of the City of San Diego to AIRTOUCH CELLULAR, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

Permission is hereby granted by the Planning Commission to the referenced Owner/Permittee to install a cellular communications facility (as described herein) on a portion of a 2,200-square-foot site located at 4580 Federal Boulevard, approximately 500 feet west of 47th Street within the Mid-City Planned District, legally described as Lot 1 of Parcel Map No. 4870, in the M1-A Zone.

1. This permit shall consist of the following facilities and site improvements as identified by size, dimension, quantity and location on the approved Exhibits "A", dated February 2, 1995, on file in the office of the Development Services Department:

- a. Install a maximum 100-foot-high monopole support structure to include as a maximum the following attached antennas:
 - Four (4) digital dish antennas (maximum 10-feet in diameter) and;
 - Six (6) omni-directional cellular antennas (maximum 15-feet in height) and;
 - Thirty (30) directional cellular antennas (maximum 4-feet in height) and;
- b. Construct a one-story (11-foot-high), 390-square-foot unnamed cellular communications equipment building adjacent to the monopole support structure and;

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- c. Construct a three-foot-high retaining wall adjacent to the existing raised concrete slab located along the south perimeter of the proposed equipment building and monopole structure; and
 - d. Install a six-foot-high chain link security fence around both the equipment building and monopole structure and;
 - e. Accessory improvements as may be determined by the Development Services Department to be incidental to this permit/project.
2. No permit for the construction or operation of any activity described herein shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
- a. The Permittee signs and returns the permit to the Development Services Department; and
 - b. The Permit is recorded in the office of the County Recorder.
3. Before issuance of any building permits, complete construction plans for the cellular communications equipment described herein shall be submitted to the Development Services Department for approval. Plans shall be in substantial conformity to the approved Exhibits "A". No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted by the appropriate decisionmaker.
4. This Permit must be used within 36 months after the date of final City approval, following all appeals, or the permit shall be deemed void. However, any Extension of Time may be granted as set forth in Section 101.0510.k. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
5. Construction and operation of the approved use and improvements on this site shall comply at all times with the regulations of this or any other governmental agencies.
6. After establishment of the project, the property shall not be used for any other purposes unless:
- a. Authorized by the Planning Commission; or

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- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

7. This Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

8. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit.

9. Existing landscaping and irrigation shall be maintained at all times in a disease, weed and litter-free condition. If, during the course of construction or the duration of this permit, any existing landscaping is damaged or removed for any reason it shall be repaired or replaced in kind and equivalent size within 90 days from the date said landscaping was determined to be damaged or removed.

10. ~~This permit shall expire on February 2, 2005.~~ Upon expiration of this permit, the communications facilities described herein shall be removed from this site and the property shall be restored to its original condition.

11. Prior to the expiration date of this permit on February 2, 2005, the applicant may submit to the Development Services Department for an Extension of Time, to be considered by the Planning Commission, to allow the cellular communications facilities described herein to continue on this site. Additional conditions or restrictions relevant to existing and proposed improvements or uses on this site may be recommended by the Development Services Department and/or correspondingly applied by the Planning Commission to any request(s) for an Extension of Time on this permit.

12. This project may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

13. Prior to the issuance of building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street fronting the property (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

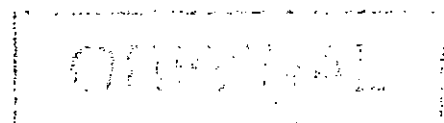
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14. Prior to the issuance of any building permits, the applicant shall provide enhanced screening of the chain link security fence which will surround the equipment building by means of either additional landscaping or enhancement of the fence design (i.e. wood slats), in a manner satisfactory to the Development Services Department.

Passed and adopted by the Planning Commission on
February 2, 1995.



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PLANNING COMMISSION RESOLUTION NO. 2162-PC
GRANTING CONDITIONAL USE PERMIT NO. 94-0627
94-805 AIRTOUCH CELLULAR

WHEREAS, AIRTOUCH CELLULAR, Owner/Permittee, filed an application with the Development Services Department for a permit to install a cellular communications facility on portions of a 2,200-square-foot site located at 4580 Federal Boulevard, approximately 500 feet west of 47th Street within the Mid-City Planned District, legally described as Lot 1 of Parcel Map No. 4870, in the M-1A Zone; and

WHEREAS, on February 2, 1995, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 94-0627, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

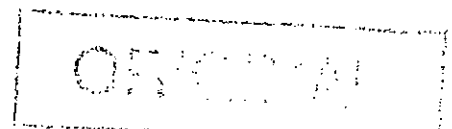
1. That the Planning Commission adopted the following written Findings, dated February 2, 1995:

A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.

The cellular communications facility will be generally consistent with land uses as specified for this site in the Mid-City Planned District, the existing M-1A zone, and would be compatible with existing light industrial uses surrounding the site (including an existing warehouse to the north and commercial shipping container storage to the east). Therefore, project implementation will not adversely affect the Community Plan or the City's General Plan.

B. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

With the approval of a Conditional Use Permit, the cellular communications facility will be consistent with the relevant regulations of the Municipal Code in effect for this site, including general conformance with manufacturing-light industrial land uses as recommended for this site by the Mid-City Planned District Ordinance. Additionally, prior to being issued permits by the city to operate this facility, the applicant will be required to demonstrate that the

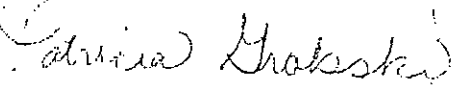


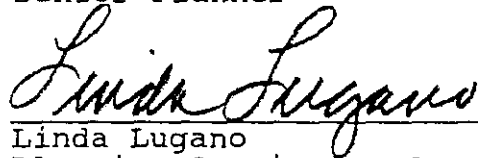
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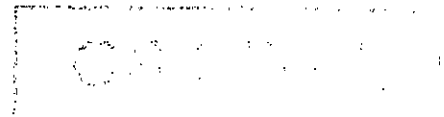
2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 94-0627 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee in the form and with the terms and conditions set forth in Permit No. 94-0627, a copy of which is attached hereto and made a part hereof.


Patricia Grabski
Senior Planner


Linda Lugano
Planning Commission Secretary

Adopted by the Planning Commission on: February 2, 1995
By a vote of: 5-0



2087

000418

RESOLUTION NUMBER R-2162-PC

ADOPTED ON FEBRUARY 2, 1995

WHEREAS, on November 9, 1994, Airtouch Cellular submitted an application to the Development Services Department for a CONDITIONAL USE PERMIT; and

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on February 2, 1995; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Negative Declaration No. 94-0627; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Negative Declaration No. 94-0627 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

By: 

Jean Cameron
Senior Planner

ORIGINAL

ALL-PURPOSE CERTIFICATE

2088

Type/Number of Document CUP 94-0627Date of Approval February 2, 1995

000419

STATE OF CALIFORNIA

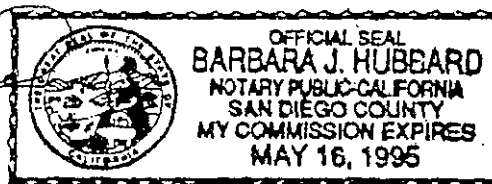
COUNTY OF SAN DIEGO

Patricia Grabski
 Patricia Grabski, Senior Planner

On February 23, 1995 before me, BARBARA J. HUBBARD (Notary Public), personally appeared PATRICIA GRABSKI, Senior Planner of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard
 Barbara J. Hubbard



(Seal)

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

Signed [Signature]
 Typed Name KEVIN MCGEE

Signed _____
 Typed Name _____

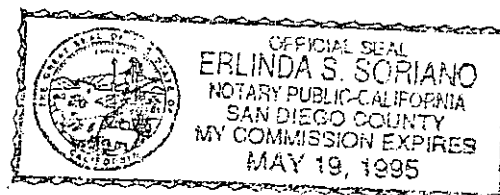
STATE OF California

COUNTY OF San Diego

On February 24, 1995 before me, Erlinda S. Soriano (Name of Notary Public) personally appeared Kevin Lee McGee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Erlinda S. Soriano



(Seal)

000420



ATTACHMENT D-10

THE CITY OF SAN DIEGO

Date of Notice: June 14, 2007

NOTICE OF PUBLIC HEARING APPEAL TO PLANNING COMMISSION

Job Order Number: 42-5717

As a property owner, tenant, or person who has requested notice, you should know that a public hearing will be held by the Planning Commission to consider an appeal on an application for for a wireless communication facility consisting of an existing 100 foot high monopole and a 390 square foot equipment shelter, originally approved by CUP No. 94-0627, which expired on February 2, 2005. The facility is located at 4586 Federal Boulevard.

DATE OF HEARING:	June 28, 2007
TIME OF HEARING:	9:00 a.m.
LOCATION OF HEARING:	Council Chambers, 12 th floor, City Administration Building, 202 C Street, San Diego, CA 92101
PROJECT TYPE/PROJECT NUMBER:	Conditional Use Permit/ PTS No. 91175
PROJECT NAME:	<u>AMERICAN TOWER – FEDERAL BOULEVARD</u>
APPLICANT NAME:	Tom Kelly, American Tower Corporation
COMMUNITY PLAN AREA:	City Heights/Mid Cities
COUNCIL DISTRICT:	4
CITY PROJECT MANAGER:	Karen Lynch-Ashcraft, Development Project Manager
PHONE NUMBER:	(619) 446-5351

The decision made by the Planning Commission is the final decision by the City.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from the California Environmental Quality Act on February 22, 2007 and the opportunity to appeal that determination ended March 8, 2007.

If you have any questions about this matter, you can contact the City Project Manager listed above. This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at 236-5979, at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☒ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name
Robert Jystad, Channel Law Group, LLP on behalf of applicant American Tower Corporation

Address City State Zip Code Telephone
100 Oceangate, Suite 1400 Long Beach CA 90802 (310) 209-8515

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Doug Kearney, American Tower Corporation

4. Project Information

Permit/Environmental Determination & Permit/Document No.:

Date of Decision/Determination:

City Project Manager:

CUP No. 94-0627

April 4, 2007

Karen Lynch Ashcraft

Decision (describe the permit/approval decision):

Deny Conditional Use Permit No. 292612 (Federal Boulevard - PTS No. 91175)

5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error (Process Three and Four decisions only)
☐ Conflict with other matters (Process Three and Four decisions only)
☒ Findings Not Supported (Process Three and Four decisions only)
☐ New Information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

Hearing Officer made findings 1 and 2 in the affirmative but denied permit on grounds that he could not make findings 3 and

4 because the project does not comply to maximum extent feasible with Land Development Code.

This determination is based on the unsupported assertion that the City imposed 10 year time limits in order to require

replacement of existing facilities and that carriers should have designed their networks to accommodate the removal or

replacement of these facilities. Evidence in the record contradicts staff's assertion and the hearing officer did not properly

take such evidence into account. Applicant had reasonable expectation of renewal of its permits subject to compliance with

conditions and applicants' tenant relied on those expectations in the construction of their networks.

Applicant reserves right to supplement these grounds for appeal.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Date:

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

000422

ATTACHMENT D-12



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title

Project No. For City Use Only

WIRELESS TELECOM FACILITY (EXISTING - RENEWAL)

Project Address:

4580 FEDERAL BLVD.

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

000423

Project Title:

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership**Legal Status (please check):**

☐ Corporation ☒ Limited Liability -or- ☐ General) What State? CA Corporate Identification No. _____
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

Corporate/Partnership Name (type or print):

H & H DIVERSIFIED INVESTMENT CO LLC☒ Owner ☐ Tenant/Lessee1355 PRESIDIO CA ST

Street Address:

SPRING VALLEY, CA 91977

City/State/Zip:

619 461-7331

Phone No:

RONALD L. SEDITA

Name of Corporate Officer/Partner (type or print):

MANAGER

Title (type or print):

Ronald L. Sedita 11-7-05

Signature :

Date:

Corporate/Partnership Name (type or print):

H & H DIVERSIFIED INVESTMENT CO LLC☐ Owner ☐ Tenant/Lessee1355 PRESIDIO CA ST

Street Address:

SPRING VALLEY, CA 91977

City/State/Zip:

619 460-4649

Phone No:

RONALD L. SEDITA

Name of Corporate Officer/Partner (type or print):

MANAGER

Title (type or print):

Ronald L. Sedita 11-7-05

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

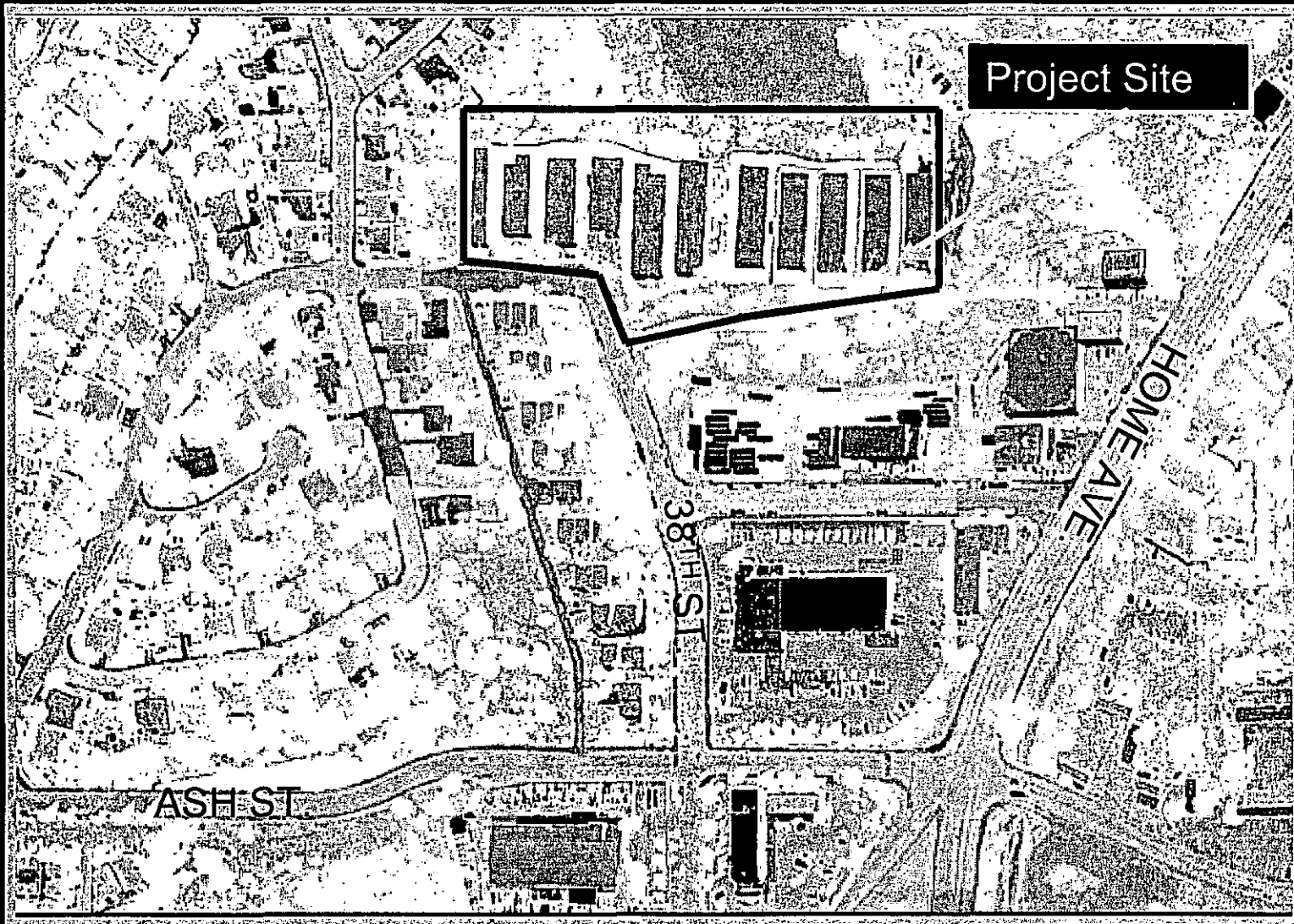
Date:

000424

American Tower
Corporation – Mini Storage
(Nextel)
CUP
Project No. 107501

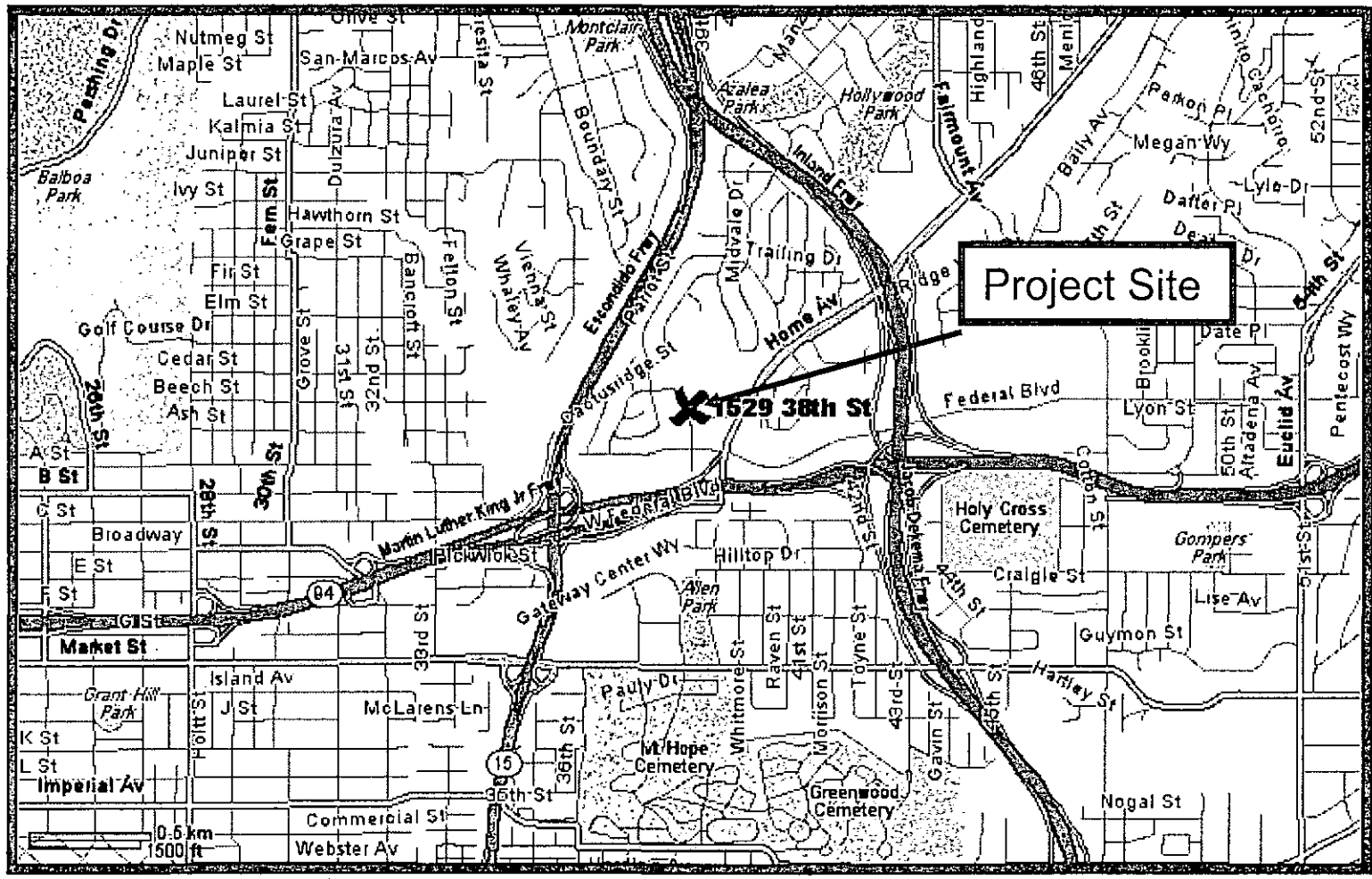
000425

ATTACHMENT E-1



Aerial Photo
AMERICAN TOWER – MINI STORAGE – PROJECT NUMBER 107501
1529 38TH STREET





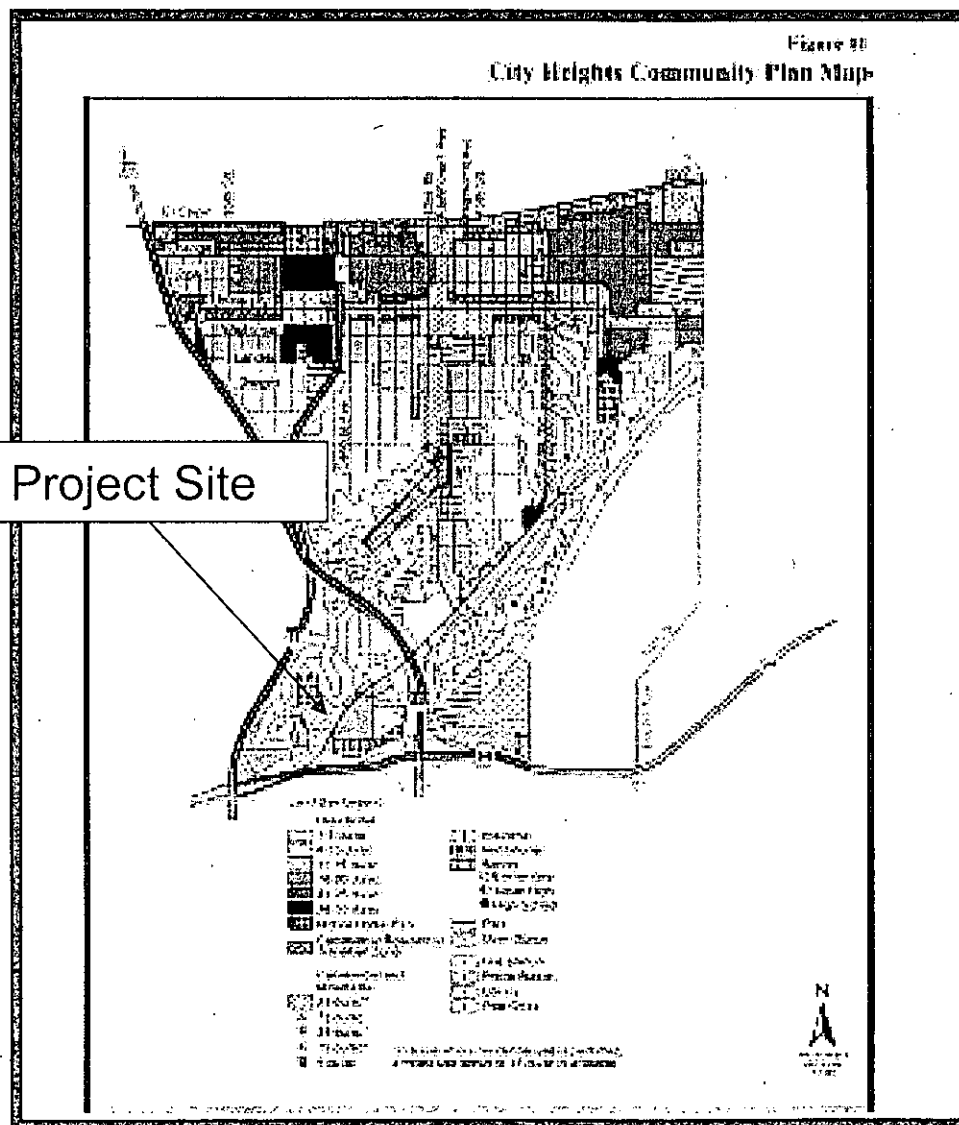
Project Location Map

AMERICAN TOWER – MINI STORAGE – PROJECT NUMBER 107501
1529 38TH STREET



000427

ATTACHMENT E-3



CITY HEIGHTS COMMUNITY PLAN MAP

AMERICAN TOWER – MINI STORAGE – PROJECT NUMBER 107501

1529 38TH STREET



000428

ATTACHMENT E-4

PROJECT DATA SHEET

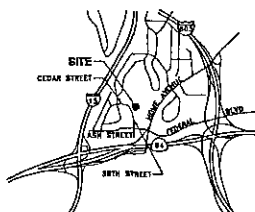
PROJECT NAME:	American Tower – Mini Storage	
PROJECT DESCRIPTION:	A wireless communication facility consisting of an existing 60 foot high monopole and a 150 square-foot equipment room.	
COMMUNITY PLAN AREA:	City Heights	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Industrial	
<u>ZONING INFORMATION:</u> ZONE: IL-2-1 HEIGHT LIMIT: None. FRONT SETBACK: 15 feet. SIDE SETBACK: 10 feet. REAR SETBACK: 0		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	School; RS-1-7	School
SOUTH:	Industrial; IL-2-1	Industrial
EAST:	Residential 11-15 du/ac; MCCPD-MR-3000	Vacant
WEST:	Single-Unit Residential; RS-1-7	Single-Unit Residential
COMMUNITY PLANNING GROUP RECOMMENDATION:	To date, no recommendation has been received.	



AMERICANTOWER CORPORATION

MID-TOWN MINI STORAGE
1529 38TH STREET / 3808 CEDAR STREET
SAN DIEGO, CA 92105
ATC-300611

VICINITY MAP



THOMAS GUIDE PAGE: 1289, D-2

ADDRESS:
1529 38TH STREET
SAN DIEGO, CA 92105

COORDINATES (NAD 83):
LATITUDE: 32° 45' 18" NORTH
LONGITUDE: 117° 09' 35" WEST

ACCESSIBILITY DISCLAIMER

THIS PROJECT IS AN UNOCCUPIED WIRELESS PCS TELECOMMUNICATIONS FACILITY AND, ACCORDING TO WRITTEN INTERPRETATION FROM THE CALIFORNIA DEPARTMENT OF THE STATE ARCHITECT, IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS.

CONSULTANT TEAM

ARCHITECT:
WILLIAM BOOTH & ROBERT SUAREZ
ARCHITECTURE & PLANNING
P.O. BOX 4051
CARLSBAD, CA 92008
(760) 434-9074
(760) 434-9086 (FAX)

SURVEY:
MP SURVEYORS, INC.
17901 RYAN PARK DRIVE SUITE B
IRVINE, CALIFORNIA 92614
(949) 850-0872

PROJECT SUMMARY

APPLICANT:
AMERICAN TOWER CORPORATION
2201 DUPONT DRIVE, SUITE 340
IRVINE, CA 92614
CONTACT: JAMES KELLY
(949) 853-9903

OWNER:
MID-TOWN MINI STORAGE LTD
840 HIGHLAND DRIVE #300
TOLANA BEACH, CA 92075
CONTACT: LANCE ALWORTH
(619) 258-6000

DEVELOPMENT SUMMARY:

- EXISTING 86'-0" MONOPILE WITH (3) NEXTEL ANTENNA SECTIONS OF 3 ANTENNAS EACH WITH ONE FUTURE ANTENNA PIPE MOUNTS ON EACH SECTION. (TOTAL OF 15 ANTENNAS).
- ALSO (3) SPRINT ANTENNA SECTIONS WITH 3 ANTENNAS EACH (TOTAL OF 9 ANTENNAS). SPRINT ANTENNAS ARE APPROVED FOR A TOTAL OF NINE (9) ANTENNAS PER PERMIT #00-0023-14 ISSUED FEB. 1, 2005
- EXISTING 8'-6" x 14'-6" NEXTEL EQUIPMENT ROOM LOCATED INSIDE BUILDING "C".
- EXISTING SPRINT OUTDOOR EQUIPMENT LOCATED ON A 12'-0" x 8'-6" GALVANIZED STEEL PLATFORM WITH CONCRETE SUPPORT FOOTINGS.
- EXISTING ELECTRICAL SERVICE.
- EXISTING TIE-IN SERVICE.
- EXISTING LANDSCAPE TREES, SHRUBS AND GROUND COVER FOR EQUIPMENT SCREENING.

LEGAL DESCRIPTION:

THE LAND SHOWN HEREON IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWING: PARCEL 1 OF PARCEL MAP NO. 14148, IN THE OFFICE OF THE COUNTY RECORDS OF SAN DIEGO.

PROJECT ADDRESS: 1529 38TH STREET
SAN DIEGO, CA 92105

ASSESSORS PARCEL NUMBER: 840-850-08

EXISTING ZONING: R-2-1

TOTAL SITE AREA: 178,841 SQ. FT.
= 4.034 ACRES

EXISTING NEXTEL EQUIPMENT ROOM 65 SQ. FT.

EXISTING SPRINT EQUIPMENT 75 SQ. FT. ROOM

EXISTING OCCUPANCY:

EXISTING NEXTEL EQUIPMENT ROOM 0

EXISTING SPRINT EQUIPMENT PLATFORM

EXISTING SPRINT EQUIPMENT PLATFORM

TELECOMMUNICATION FACILITIES:

NONE
(OUTDOOR EQUIPMENT CARRIES OVER)
THERE IS TWO EXISTING TELECOMMUNICATIONS FACILITY ON THE SITE (NEXTEL & SPRINT)

SHEET SCHEDULE

- T-1 TITLE SHEET AND PROJECT DATA
- A-0 SITE PLAN
- A-1 ENLARGED SITE PLAN
- A-2 NEXTEL EQUIPMENT ROOM PLAN
- A-3 EXTERIOR ELEVATIONS
- A-4 ANTENNA AND MONOPILE DETAILS
- L-1 LANDSCAPE PLAN
- C-1 SURVEY

SCALE

THE DRAWING SCALES SHOWN IN THIS SET REPRESENT THE CORRECT SCALE ONLY WHEN THESE DRAWINGS ARE PRINTED IN A 24" x 36" FORMAT. IF THIS DRAWING SET IS NOT 24" x 36", THIS SET IS NOT TO SCALE.

APPLICABLE CODES

ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:
CALIFORNIA STATE BUILDING CODE, TITLE 24, 2001 EDITION
CALIFORNIA PLUMBING CODE, 2001 EDITION
CALIFORNIA MECHANICAL CODE, 2001 EDITION
CALIFORNIA ELECTRICAL CODE, 2001 EDITION
IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL.

ATTACHMENT 25

Booth & Suarez
ARCHITECTURE & PLANNING

WILLIAM B. BOOTH, ARCHITECT, LICENSE # 20000-000000
P.O. BOX 4051, CARLSBAD, CA 92008 (760) 434-9074



PREPARED FOR

AMERICANTOWER
CORPORATION
116 HUNTINGTON AVENUE
BOSTON, MA 02116

APPROVALS

A.P. DATE

ZONING DATE

CONSTRUCTION DATE

SITE ACQUISITION DATE

OWNER APPROVAL DATE

PROJECT NAME
MID-TOWN
MINI STORAGE
PROJECT NUMBER
ATC-300611
1529 38TH STREET
SAN DIEGO, CA 92105

DRAWING DATES

05/18/04 ZONING REVIEW (ms)
07/27/04 PLANNING SUBMITTAL (ms)

SHEET TITLE

TITLE SHEET
&
PROJECT DATA

PROJECT: AmericanTower\00030611\00030611.dwg

T-1

100

118 MUNNINGTON AVENUE
BOSTON, MA 02116

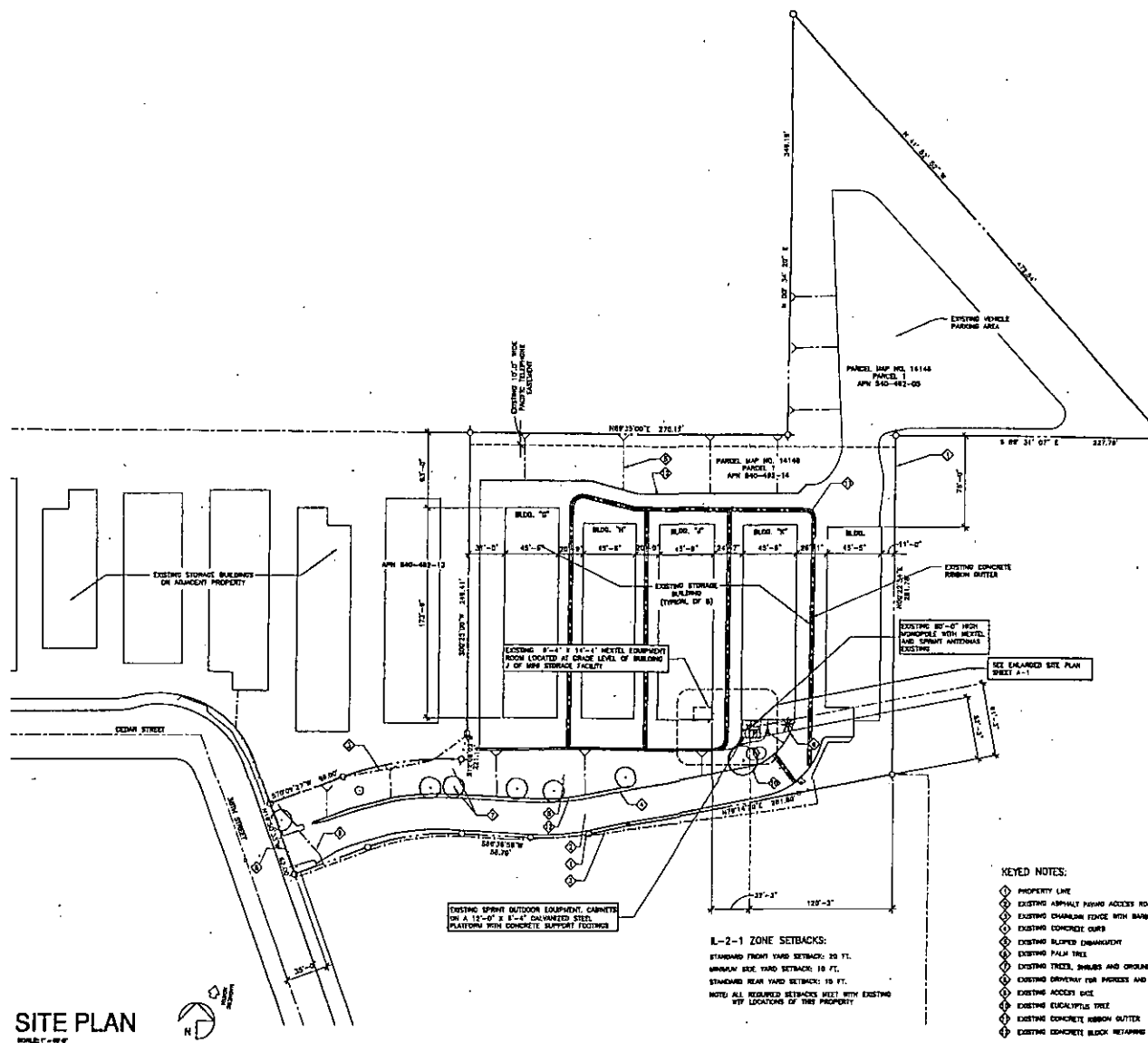
R.F.	DATE
ZONING	DATE
CONSTRUCTION	DATE
SITE ACQUISITION	DATE
BROKER APPROVAL	DATE

DRAWING DATES

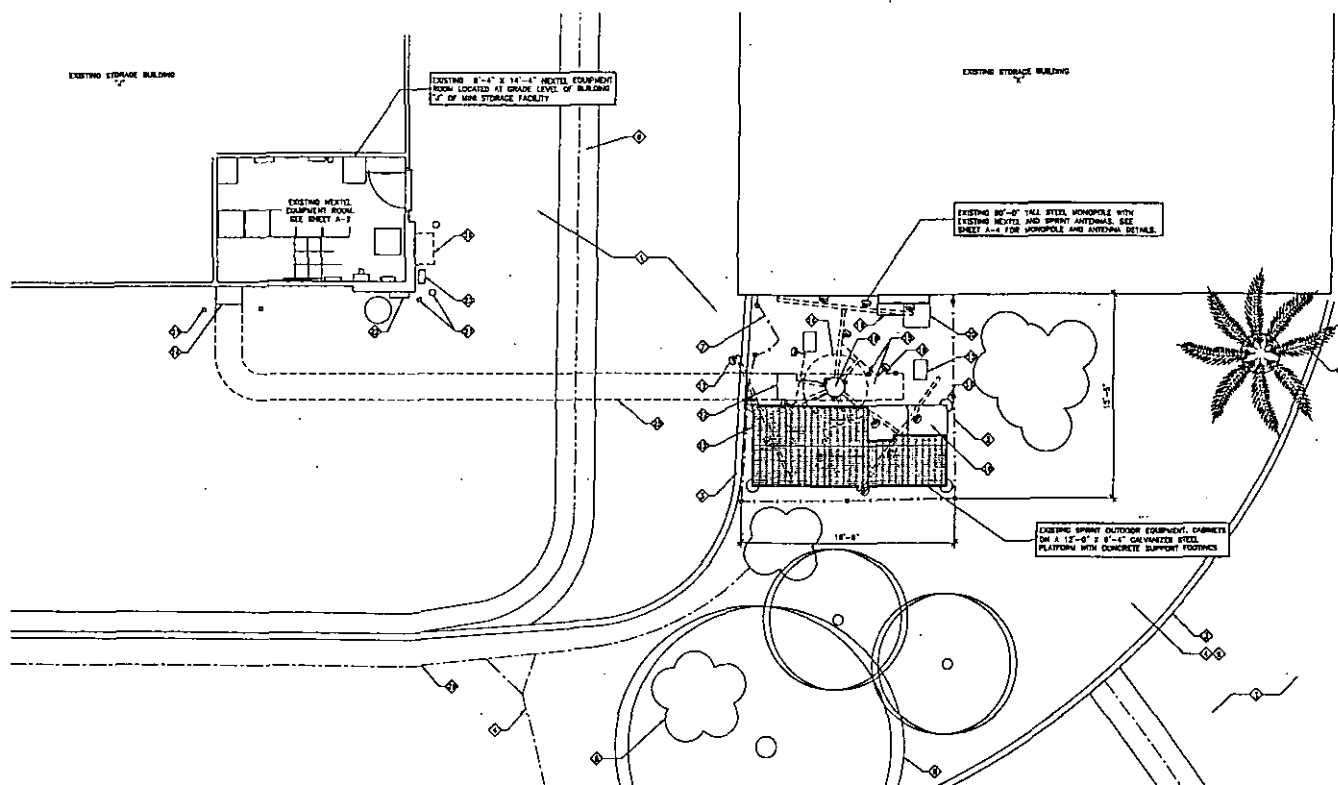
1/04	DESIGN REVIEW (ee)
1/06	PLANNING SUBMITTAL (ee)

SITE PLAN

A-0



SITE PLAN



ENLARGED SITE PLAN

[illegible]

KEYED NOTES: -

- | | |
|---|--|
| ① EXISTING ASPHALT PAVING | ① EXISTING OVERHEAD CABLE BRIDGE WITH STEEL PIPE COLUMNS |
| ① EXISTING CHAINLINK FENCE WITH BARBED WIRE | ① EXISTING MONOPOLE |
| ① EXISTING CONCRETE CURB | ① EXISTING METER, ANTENNA ABOVE |
| ① EXISTING BENT EXHAUST/OUT | ① EXISTING SPENT ANTENNA SHROUD |
| ① EXISTING PAVE TIE | ① EXISTING SPENT UTILITY CABLES WITH GENERATOR ACCEPTABLE |
| ① EXISTING TIES, SURFACES AND OVERHEAD CORNER | ① EXISTING SPENT UTILITY CABLES |
| ① EXISTING CHAINLINK GATE | ① EXISTING CONCRETE PULLED STEEL WALLS |
| ① EXISTING REINFORCED STEEL | ① EXISTING REPEL JUNCTION BOX MOUNTED TO BUILDING |
| ① EXISTING CONCRETE RIBBON GUTTER | ① EXISTING ELECTRICAL JUNCTION BOX MOUNTED TO BUILDING |
| ① EXISTING SPENT EQUIPMENT CABINETS | ① EXISTING SHEET METAL CABLE SHROUD |
| ① EXISTING CONCRETE FOOTING | ① EXISTING METAL COAT CABLE CONDUIT TRENCH |
| ① EXISTING GALVANIZED STEEL PLATFORM | ① TOP OF EXISTING BLOOM |
| ① EXISTING ELECTRICAL MANHOLE | ① EXISTING COAT CABLE BRIDGE AT TRANSITION OF COAT CABLE FROM TRENCH TO MONOPOLE |
| ① EXISTING MONOPOLE CONCRETE FOOTING | |

**BOOTH &
SUAREZ**
ARCHITECTURE & PLANNING

WOLFE, R. 1973. *Journal of the Royal Society of Medicine* 66: 11-12.

PREPARED FOR



AMERICANTOWER

116 HUNTINGTON AVENUE
BOSTON, MA 02116

APPROVALS

21 PAGE

REPORTED DATE

CONSTRUCTION	DATE

DATE ACQUISITION	DATE
------------------	------

OWNER APPROVAL	DATE
----------------	------

PROJECT NAME _____

MID-TOWN
MINI STORAGE

PROJECT NUMBER

ATC-30061.1

1529 38TH STREET
SAN DIEGO, CA 92105

DRAWING DATES

95/18/00 JOHNHO REVIEW (no)

05/23/26 PLANNED SUBMITTAL (05/23/26)

SHEET TITLE

ENLARGED SITE PLAN

PROJECTS\AmericanTower\06039ad\04039zAI.dwg

A-1

000432

Booth & Suarez
ARCHITECTURAL & PLANNING

11000 A. BOOTH AVENUE, SUITE 2, BOSTON, MASSACHUSETTS 02118
TEL: 617.552.1100 FAX: 617.552.1101 WWW.BSAPLANNING.COM



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118 HUNTINGTON AVENUE
BOSTON, MA 02118

APPROVALS

DATE DATE

DATE DATE

DATE DATE

DATE DATE

DATE DATE

PROJECT NAME

**MID-TOWN
MINI STORAGE**

PROJECT NUMBER

ATC-300611

1529 38TH STREET
SAN DIEGO, CA 92105

DRAWING DATES

05/15/06 ZONING REVIEW (m)

06/12/06 PLANNING SUBMITTAL (m)

SHEET TITLE

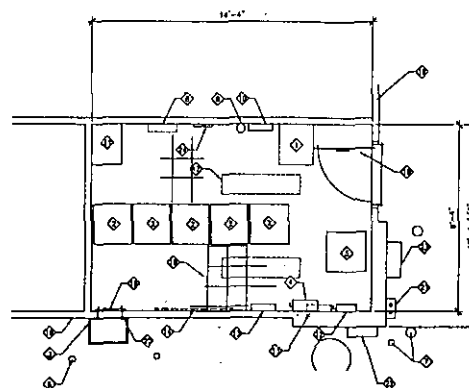
**NEXTEL EQUIPMENT ROOM
PLAN**

PROJECT: amercantower\atc\060302\A\060302A2.dwg

A-2

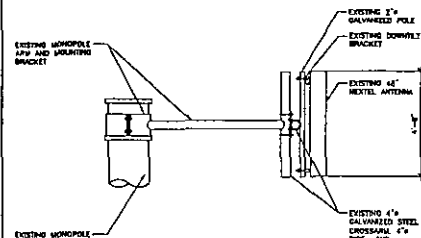
KEYED NOTES:

- ⬢ EXISTING MECHANICAL UNITS (TYPICAL OF 2) WITH ROOF
- ⬢ TOP EXHAUSTION UNIT
- ⬢ EXISTING 30' CABINETS (TYPICAL OF 3)
- ⬢ EXISTING SHEET METAL COAX CABLE SHROUD
- ⬢ EXISTING MANUAL TRANSFER SWITCH WITH EMERGENCY
- ⬢ DEMONSTRATED RECEPTACLE
- ⬢ EXISTING BATTERY PACK (TYPICAL OF 1)
- ⬢ EXISTING 4"x4" CONCRETE FILLED STEEL BOLLARDS
- ⬢ EXISTING 4"x4" CONCRETE FILLED STEEL BOLLARDS
- ⬢ EXISTING LADDER MOUNTED TO WALL
- ⬢ EXISTING EYE WASH STATION MOUNTED TO WALL
- ⬢ EXISTING FIRST AID KIT MOUNTED TO WALL
- ⬢ EXISTING ENVIRONMENTAL CONTROL PANEL (SHOWN DASHED
- ⬢ ABOVE)
- ⬢ EXISTING ELECTRICAL BREAKER/SWITCH
- ⬢ EXISTING ELECTRICAL PANEL
- ⬢ EXISTING REEL BOARD
- ⬢ EXISTING STEEL DOOR AND FRAME
- ⬢ EXISTING CEILING MOUNTED LIGHT FIXTURE
- ⬢ EXISTING WALL MOUNTED GROUND BUS BAR
- ⬢ EXISTING EXTERIOR WALL
- ⬢ EXISTING CABLE PORT
- ⬢ EXISTING ELECTRICAL JUNCTION BOX MOUNTED TO BUILDING
- ⬢ EXISTING TIEED JUNCTION BOX MOUNTED TO BUILDING
- ⬢ EXISTING FACADE MOUNTED METAL SHROUD
- ⬢ EXISTING WALL MOUNTED BROOM



NEXTEL EQUIPMENT ROOM PLAN

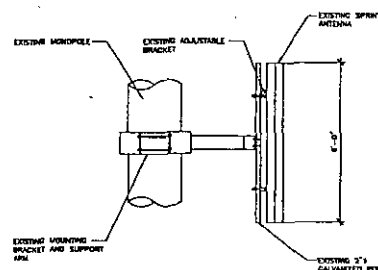
SCALE: 1/4" = 1'-0"



TOTAL NEXTEL ANTENNAS REQUIRED: 12
ANTENNAS PER SECTOR INCLUDING FUTURE: 4
COAX CABLE 1/2\"/>

EXISTING NEXTEL ANTENNA DETAIL

SCALE: 3/4\"/>

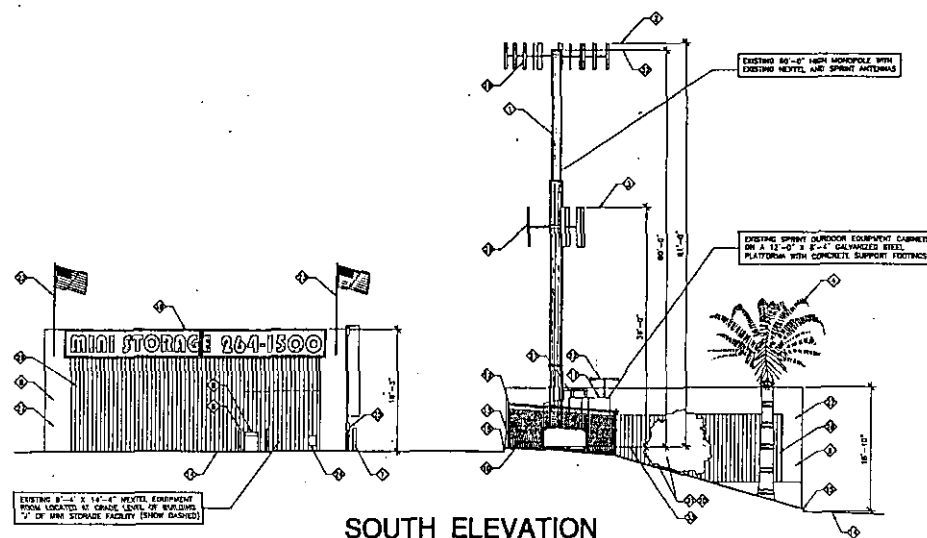


TOTAL SPRINT ANTENNAS REQUIRED: 8
ANTENNAS PER SECTOR INCLUDING FUTURE: 3
COAX CABLE 1/2\"/>

EXISTING SPRINT ANTENNA DETAIL

SCALE: 3/4\"/>

NO DETAIL THIS SPACE



SOUTH ELEVATION

SCALE 1/8" = 1'-0"

KEYED NOTES:

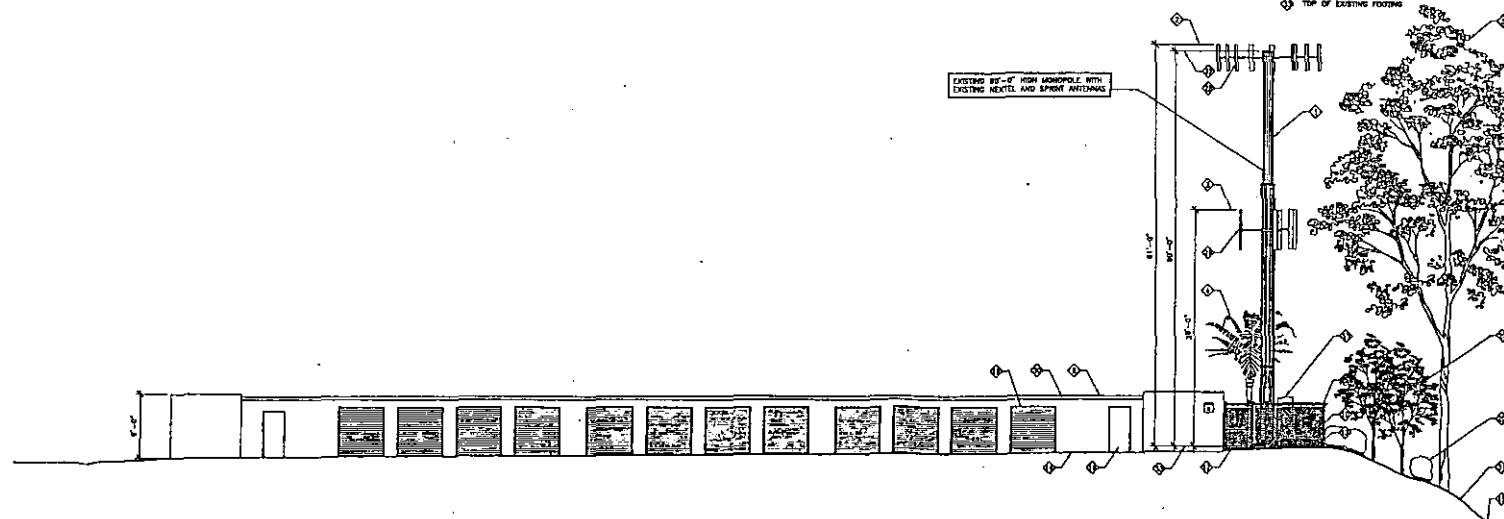
- ① EXISTING 8'-0" HIGH MONOPOLE
- ② TOP OF EXISTING HELIX ANTENNAS (8'-0")
- ③ TOP OF EXISTING SPIRAL ANTENNAS (8'-0")
- ④ EXISTING PALM TREE
- ⑤ EXISTING EUCALYPTUS TREE
- ⑥ EXISTING 4" CONCRETE FILLED STEEL BEAMS
- ⑦ EXISTING 8" CONCRETE FILLED STEEL BEAMS
- ⑧ EXISTING STORAGE UNIT BUILDING
- ⑨ EXISTING CHALK BOARD
- ⑩ EXISTING GALVANIZED STEEL PLATFORM
- ⑪ EXISTING SPIRIT EQUIPMENT CABINETS
- ⑫ EXISTING 12'-0" HIGH CHAINLINK FENCE WITH BARBED WIRE
- ⑬ EXISTING CONCRETE FOOTING
- ⑭ EXISTING ASPHALT PAVING
- ⑮ EXISTING CONCRETE CURB
- ⑯ EXISTING STEEL DOOR AND FRAME
- ⑰ EXISTING CHAINLINK GATE
- ⑱ EXISTING BUILDING SIGNAGE
- ⑲ EXISTING ROLL UP METAL DOORS
- ⑳ EXISTING TREES, SHRUBS AND BIRDS COVER
- ㉑ EXISTING OVERHEAD CABLE BRIDGE WITH STEEL PIPE COLUMNS
- ㉒ EXISTING OVERHEAD LIGHT
- ㉓ EXISTING POLE AND FLAG MOUNTED TO BUILDING
- ㉔ EXISTING TELECOM JUNCTION BOX MOUNTED TO BUILDING
- ㉕ EXISTING ELECTRICAL JUNCTION BOX MOUNTED TO BUILDING
- ㉖ EXISTING WOOD SIGN
- ㉗ EXISTING STUCCO FINISHED WALL
- ㉘ EXISTING METAL ANTENNAS MOUNTED TO MONOPOLE. SEE SHEET A-2 FOR ANTENNA PLANS
- ㉙ EXISTING SPIRIT ANTENNAS MOUNTED TO MONOPOLE. SEE SHEET A-4 FOR ANTENNA PLANS
- ㉚ EXISTING DOWN GUTTER MOUNTED TO FACE OF BUILDING
- ㉛ EXISTING SLOPE DRAINAGE
- ㉜ TOP OF EXISTING MONOPOLE
- ㉝ TOP OF EXISTING FOOTING

EXISTING 8'-4" X 12'-0" METAL EQUIPMENT ROOM LOCATED AT GRADE LEVEL OF BUILDING. 1" OF MINI STORAGE FACILITY (SHOW SHOWN)

EXISTING 8'-0" HIGH MONOPOLE WITH EXISTING METAL AND SPIRIT ANTENNAS

EXISTING SPIRIT OUTDOOR EQUIPMENT CABINETS ON A 12'-0" X 8'-0" GALVANIZED STEEL PLATFORM WITH CONCRETE SUPPORT FOOTINGS

EXISTING 8'-0" HIGH MONOPOLE WITH EXISTING METAL AND SPIRIT ANTENNAS



WEST ELEVATION

SCALE 1/8" = 1'-0"

BOOTH & SUAREZ
ARCHITECTS

1115 HUNTINGTON AVENUE, SUITE 200, BOSTON, MA 02116
TEL: 617-552-1115 FAX: 617-552-1116

PREPARED FOR

AMERICAN TOWER CORPORATION
1115 HUNTINGTON AVENUE
BOSTON, MA 02116

APPROVALS

R.F. DATE
S.D. DATE
CONSTRUCTION DATE
SITE ACQUISITION DATE
OWNER APPROVAL DATE

PROJECT NAME
**MID-TOWN
MINI STORAGE**
PROJECT NUMBER
ATC-300611
1529 38TH STREET
SAN DIEGO, CA 92105

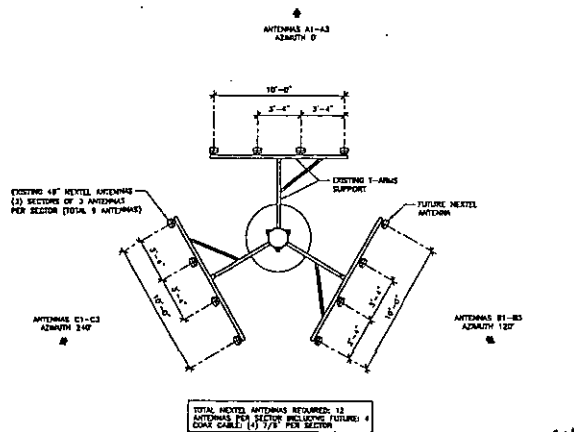
DRAWING DATES

05/15/98 CONCEPT REVIEW (m)
06/22/98 PLANNING SUBMITTAL (m)

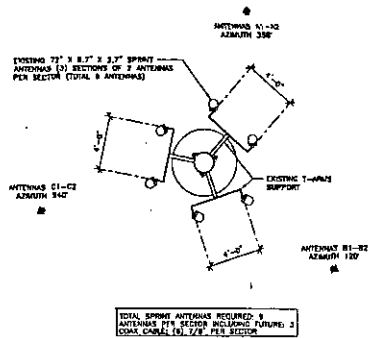
SHEET TITLE

EXTERIOR ELEVATIONS

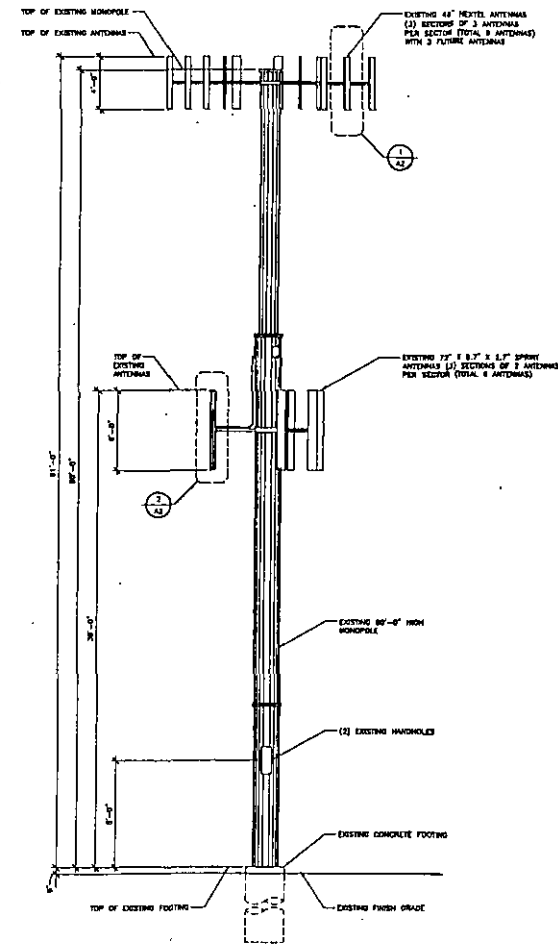
A-3



NEXTEL ANTENNA PLAN (UPPER)
SCALE 1/8" = 1'-0"



SPRINT ANTENNA PLAN (LOWER)
SCALE 1/8" = 1'-0"



MONOPOLE DETAIL
SCALE 1/8" = 1'-0"

ATTACHMENT

Booth & Suarez
ARCHITECTS P.L.L.C.
118 HUNTINGTON AVENUE
BOSTON, MA 02118

PREPARED FOR
AMERICANTOWER CORPORATION
118 HUNTINGTON AVENUE
BOSTON, MA 02118

APPROVALS	
R.J.	DATE
ZOHNS	DATE
CONSTRUCTION	DATE
SITE ACQUISITION	DATE
OWNER APPROVAL	DATE

PROJECT NAME
MID-TOWN MINI STORAGE
PROJECT NUMBER
ATC-300611
1529 38TH STREET
SAN DIEGO, CA 92105

DRAWING DATES	
06/18/04	ZOHNS REVIEW (ss)
06/23/04	PLANNING SUBMITTAL (ss)

SHEET TITLE
ANTENNA & MONOPOLE DETAILS

PROJECTS\Americantower\060204\060204.dwg

Booth & Suarez
ARCHITECTURE & PLANNING
1118 HUNTINGTON AVENUE
BOSTON, MA 02118
TEL: 617-552-1118 FAX: 617-552-1119



PREPARED FOR



AMERICAN TOWER CORPORATION

1118 HUNTINGTON AVENUE
BOSTON, MA 02118

APPROVALS

R.T.	DATE
OWNER	DATE
CONSTRUCTION	DATE
SITE ACQUISITION	DATE
OWNER APPROVAL	DATE

PROJECT NAME

**MINI-TOWN
MINI STORAGE**

PROJECT NUMBER

ATC-300611
1529 38TH STREET
SAN DIEGO, CA 92105

DRAWING DATES

05/18/06	DESIGN REVIEW (m)
06/13/06	PLANNING SUBMITTAL (m)

SHEET TITLE

LANDSCAPE PLAN

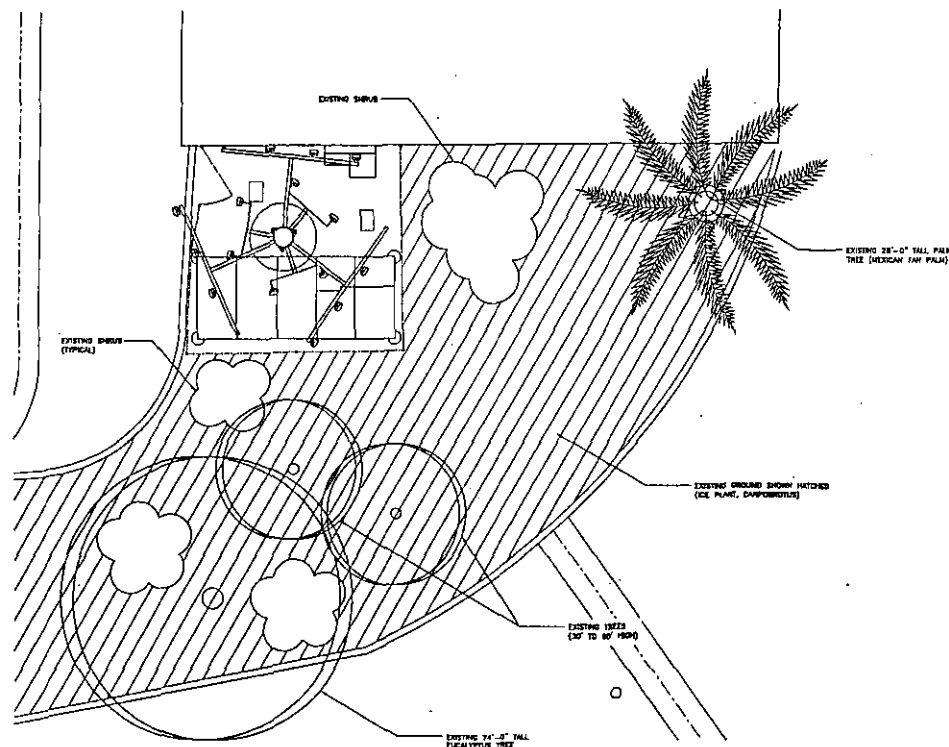
L-1

SITE LANDSCAPE NOTES

1. DETERMINE THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE INSTALLATION OF ANY NEW WORK. ALL WORK SHALL BE PERFORMED BY AN EXCAVATOR WHICH WILL AVOID POSSIBLE DAMAGE TO UTILITIES. HAND EXCAVATE AS REQUIRED.
2. ANY ADDITIONAL TREES SHALL BE LOCATED A MINIMUM OF FIVE FEET FROM ANY DRAINAGE FLOW LINE, SEWER LINE, WATER LINE, GAS LINE, OR ELECTRICAL CONDUIT.
3. ROOT BARRIERS SHALL BE INSTALLED ADJACENT TO ALL PAVING SURFACES, WHERE A PAVING SURFACE IS LOCATED WITHIN 5' OF A TREE TRUNK. ROOT BARRIERS SHALL EXTEND FOUR FEET IN EACH DIRECTION FROM THE CENTER LINE OF THE TRUNK FOR A TOTAL DISTANCE OF 8 FEET. INSTALLING ROOT BARRIERS AROUND THE ROOT BALL IS UNACCEPTABLE.
4. ANY ADDITIONAL TREES WILL BE LOCATED A MINIMUM DISTANCE OF 3 FEET FROM ANY PAVING SURFACE, CURB, WALL, OR CONCRETE SIDE WALK.
5. ALL PLANTING AREAS SHALL RECEIVE A 3" LAYER OF MULCH.
6. PLANTING INSTALLATION CRITERIA:
ALL EXISTING TREES ARE SELF-SUPPORTING, ROOY PLANTS WITH AT LEAST ONE WELL DEFINED TRUNK.
7. PLANTING MAINTENANCE CRITERIA:
ALL LANDSCAPE INSTALLATION IS MAINTAINED IN ACCORDANCE WITH THE CITY OF SAN DIEGO'S LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS.
8. MINIMUM TREE SEPARATION DISTANCE:
BORNEOVER/ANNUAL DISTANCE TO STREET TREE: 10 FEET
TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
UNDERGROUND UTILITY LINES - 5 FEET
SEWERWAY (LINT) - 10 FEET
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 20 FEET
9. IRRIGATION: AN EXISTING IRRIGATION SYSTEM IS PROVIDED AS REQUIRED FOR PROPER IRRIGATION. DEVELOPMENT AND MAINTENANCE OF THE VEGETATION, THE DESIGN OF THE SYSTEM PROVIDES ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
10. AMERICAN TOWER IS RESPONSIBLE FOR THE LONG TERM MAINTENANCE OF THE PROJECT AREA. CONTACT:
2201 DUPONT DRIVE, SUITE 340
SPRING, CALIFORNIA 92117
CONTACT: JAMES KELLY

WATER CONSERVATION NOTES

1. ALL LANDSCAPE AND IRRIGATION DESIGN, INSTALLATION AND MAINTENANCE SHALL CONFORM TO LANDSCAPE REGULATIONS AND ALL OTHER CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER APPLICABLE CITY AND REGIONAL STANDARDS FOR LANDSCAPE INSTALLATION AND MAINTENANCE.
2. PLANT MATERIAL SELECTED FOR THIS PROJECT WILL BE OF A TYPE KNOWN TO BE SUCCESSFUL IN THE AREA OR IN SIMILAR CLIMATIC AND SOIL CONDITIONS.
3. LANDSCAPE DESIGN CRITERIA OBJECTIVES WILL INCLUDE POSITIVE SURFACE DRAINAGE OF PLANTED AREAS THROUGHOUT THE PROJECT AREA.
4. ALL PERMANENTLY LANDSCAPED AREAS WILL BE SERVED BY PERMANENT, AUTOMATIC, UNDERGROUND, IRRIGATION SYSTEMS USING LOW PRECIPITATION FRIED AND POP UP SPRINKLERS.
5. ALL SEEDS WILL BE FERTILIZED, AMENDED, AND TILLED TO CONFORM TO RECOMMENDATIONS MADE BY A SOIL TESTING LABORATORY AND/OR LANDSCAPE ARCHITECT IN ORDER TO PROMOTE HEALTHY AND VIGOROUS PLANT GROWTH.
6. ALL PLANTING AREAS WILL BE MAINTAINED IN A WEED AND DISEASE FREE CONDITION.
7. ALL ON-SITE IRRIGATION IMPROVEMENTS SHALL BE PART OF THE EXISTING POTABLE WATER DISTRIBUTION SYSTEM FOR THE EXISTING SHOPPING CENTER.
8. SPRINKLER HEADS SHALL BE ADJUSTED FOR OPTIMUM PERFORMANCE. THIS SHALL INCLUDE TIGHTENING THE FLOW CONTROL AT EACH VALVE TO OBTAIN THE OPTIMUM OPERATING PRESSURE FOR EACH SYSTEM. CONDITIONS THAT CAUSE OVER-SPRAY, FOGGING, OR RUN-OFF SHALL BE ELIMINATED.
9. BEST PRACTICE MANAGEMENT PRACTICES SHALL BE USED TO ELIMINATE OR CONTROL TO THE BEST EXTENT POSSIBLE PONDING, RUN-OFF, OVER-SPRAY AND WASTING.
10. IRRIGATION HEADS SHALL BE LOCATED OR ADJUSTED TO MINIMIZE OR ELIMINATE OVER-SPRINKING ON SIDEWALKS, STREETS AND NON-DESIGNATED USE AREAS.

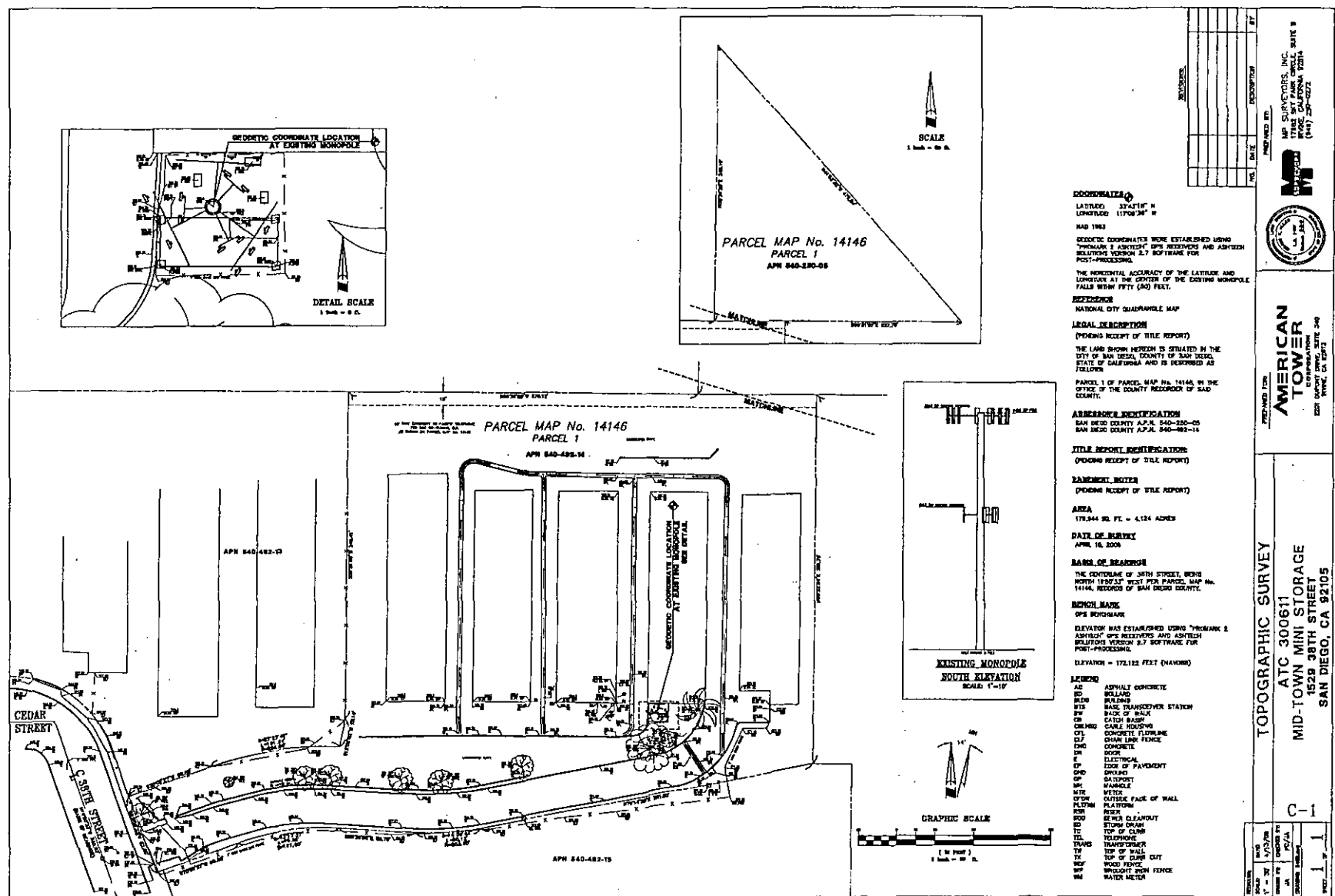


LANDSCAPE PLAN (EXISTING)

SCALE 1/4" = 1'-0"

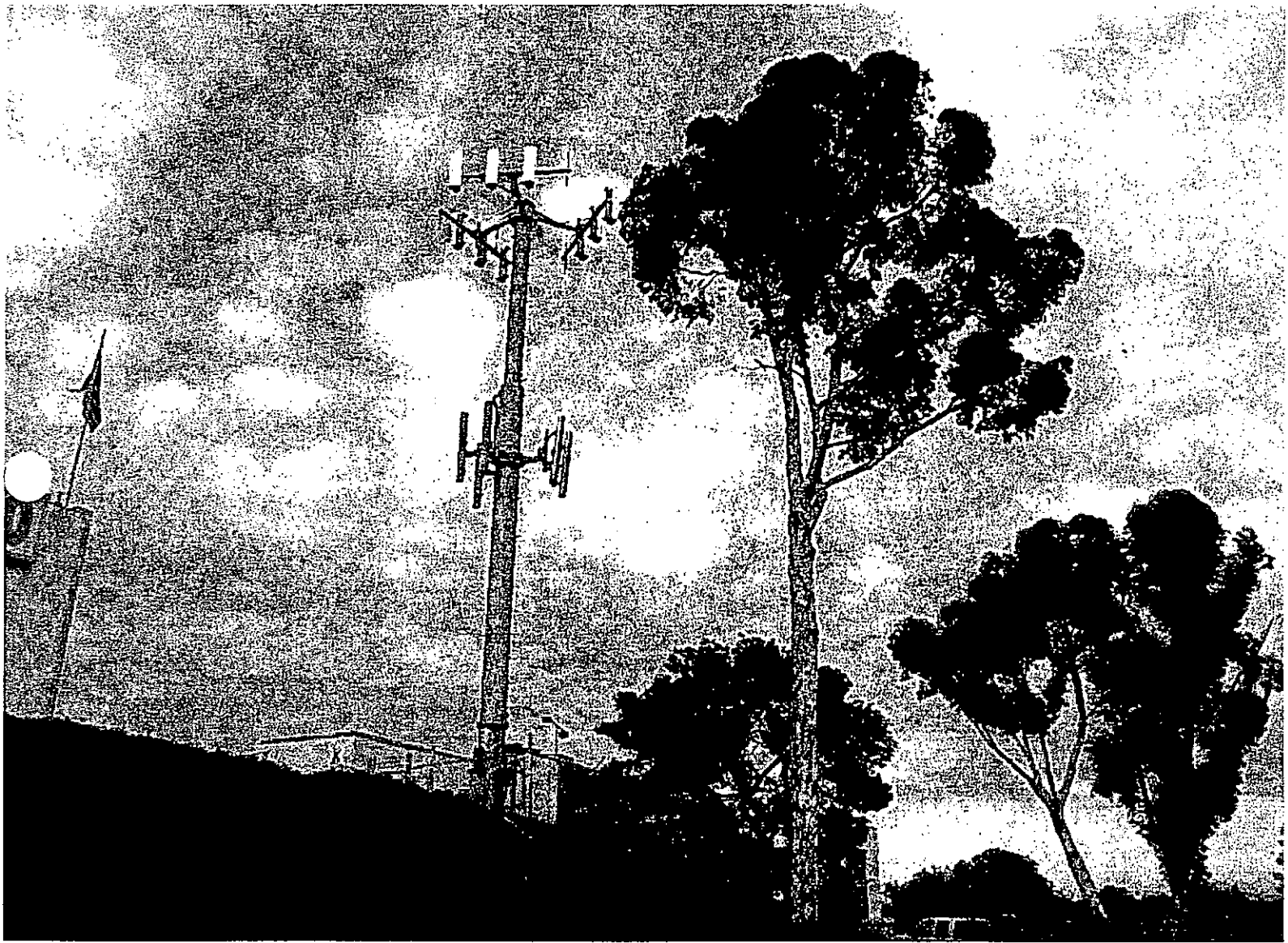


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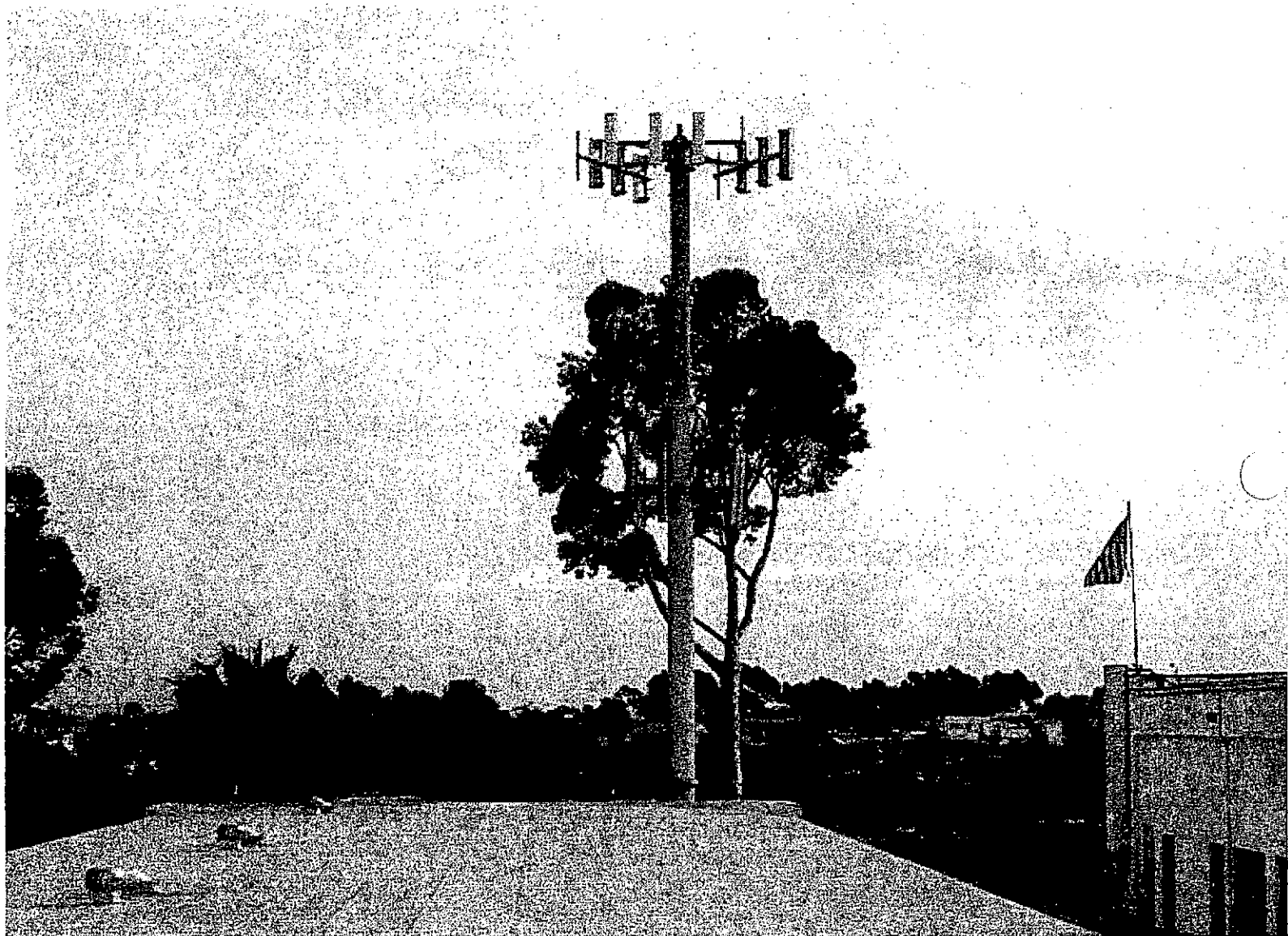
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ATTACHMENT E-6



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ATTACHMENT E-6



PLANNING COMMISSION
RESOLUTION NO.
CONDITIONAL USE PERMIT NO. 357727
AMERICAN TOWER - MINI STORAGE
PROJECT NO. 107501

WHEREAS, Lance D. Alworth, Owner and American Tower, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 357727), on portions of a 2.85 acre site;

WHEREAS, the project site is located at 1529 38th Street in the IL-2-1 zone of the City Heights community in the Mid-Cities Community Planning area;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 14146 as recorded in the Office of the County Recorder in the City of San Diego;

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 357727 pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 28, 2007.

FINDINGS:

Conditional Use Permit - Section 126.0305

1. The proposed development will not adversely affect the applicable land use plan;

This monopole was originally approved by the Planning Commission on February 1, 1996. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is.

Neither the City of San Diego General Plan nor the Mid-Cities Community Plan addresses wireless communication facilities as a specific land use.

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2. The proposed development will not be detrimental to the public health, safety, and welfare;

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions."

If the decision maker approves the existing facility, a condition will be included within the permit to require American Tower to perform a cumulative model RF test and submit the finding in a report to the City of San Diego within 90 days of approval of the CUP.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

This monopole was originally approved by the Planning Commission on February 1, 1996. The Conditional Use Permit (CUP) included a ten year expiration. At the time of approval, the City did not have applicable regulations for these types of facilities so the Planning Commission imposed a ten year limit in order to re-evaluate the project in light of new regulations and or policies that may be in effect. The project exists as it did after initial construction and the new owner, American Tower Corporation is now seeking to obtain another CUP to maintain the facility as is. Additionally, on February 1, 2000, Sprint was issued an administrative permit to add nine panel antennas at the 48 foot height on the monopole. At the time, Section 141.0405 of the Land Development Code having to do with collocation on existing monopoles was utilized to allow this addition to the pole.

Since 2000, the City has had a Communication Antenna ordinance that requires architectural or environmental integration with the project site. Pursuant to the San Diego Land Development Code, wireless communication facilities are permitted in all zones citywide with the appropriate permits. Wireless communication facilities are separately regulated uses, which have limitations or require compliance with conditions in order to minimize potential impacts. The intent of the regulations is to camouflage facilities from public view. In this case, neither the support structure, a 60 foot high monopole, nor the equipment shelter, a pre-fabricated structure, are camouflaged or integrated into the landscape or the environment. The monopole is situated prominently above Home Avenue, which is a busy north south artery through the community. In viewing the property from the surrounding community, the pole creates a significant visual impact on the horizon. Although the project site is located on an industrially used property, there are also neighboring residential and school uses that have direct view of the tower.

Section 141.0405 of the Land Development Code differentiates between minor and major telecommunication facilities. Minor telecommunication facilities include those that are concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color and style) unique design solutions, or accessory use structures. Major telecommunication facilities are antenna facilities that do not meet the criteria for minor telecommunication facilities. Similar to minor facilities, they also need to be designed to be minimally visible through the use of architecture, landscape architecture and siting solutions. The Mini Storage project does not conform to this code requirement. As it exists, it is a major visual impact in the City Heights community, sitting above Home Avenue, which serves as a busy artery through the community.

Many commuters pass through this section of the city on a daily basis and are subjected to the visual blight associated with the project.

Therefore, the project does not comply to the maximum extent feasible with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

A wireless communication facility at this location is an appropriate use subject to compliance with the ordinances and policies that regulate these types of facilities. Due to the fact that the existing facility does not comply with current regulations and policies, this finding cannot be affirmed. A facility that better integrates into the property and takes into consideration its prominence in the City Heights community would be more appropriately located on this property.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 357727 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee.

Karen Lynch-Ashcraft
Development Project Manager
Development Services

Adopted on: June 28, 2007

Job Order No. 42-6672

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 JUN 11 1996-0110345
 06-JUN-1996 10:40 AM

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES DEPARTMENT

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AND WHEN RECORDED MAIL TO
 PERMIT INTAKE
 MAIL STATION 501

OFFICIAL RECORDS
 SAN DIEGO COUNTY RECORDER'S OFFICE
 GREGORY SMITH, COUNTY RECORDER

RF:	10.00	FEES:	22.00
AF:	11.00		
MF:	1.00		

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 94-0330-12
 PLANNING COMMISSION

This Conditional Use Permit is granted by the Planning Commission of the City of San Diego to NEXTEL COMMUNICATIONS, Owner/Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to construct, operate and maintain an unmanned wireless communication facility, (Personal Communication System [PCS]) located at 1529 38th Street, described as Parcel 1 of Parcel Map 14146 in the City of San Diego, in the M-1A Zone.

2. The facility shall consist of the following:

- a. A 60-foot monopole with three omnidirectional whip antennas and 12 panel antennas which are up to 13 feet in height; and
- b. An approximate 150-square-foot equipment storage room.

3. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Development Services Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

4. Prior to the issuance of any building permits, complete building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformance to Exhibit "A," dated February 1, 1996, on file in the office of the Development Services Department. No change, modifications or

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alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

5. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510.k. of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.

6. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

7. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

8. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

9. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property, which is the subject of this permit, either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

11. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in the event that challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Development Services

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Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

12. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

13. This Conditional use Permit is granted for a period of ten (10) years from February 1, 1996, at which time it will become null and void unless a new application for a Conditional Use Permit is applied for and approved under the procedures in effect at that time. At such time as the Conditional Use Permit expires or ceases to be utilized, all antennas and equipment will be removed from the site by the last owner/permittee of the use.

14. Within 30 days of discontinuing operation of this facility, the Owner/Permittee shall restore the site to its original condition which may include appropriate landscaping.

Passed and adopted by the Planning Commission on February 1, 1996.

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PLANNING COMMISSION RESOLUTION NO. P96-033
GRANTING CONDITIONAL USE PERMIT NO. 94-0330-12

WHEREAS, on September 29, 1995, NEXTEL COMMUNICATIONS, a Corporation, Owner/Permittee, filed an application for a Conditional Use Permit to construct and operate an unmanned cellular facility (60-foot-high monopole with multiple antenna arrays and ground mounted equipment storage) located at 1529 38th Street, described as Parcel 1 of Parcel Map 14146 in the City of San Diego, in the M-1A Zone; and

WHEREAS, on February 1, 1996, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 94-0330-12, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

1. That the Planning Commission adopted the following written Findings, dated February 1, 1996:

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.

The project will provide the surrounding community the opportunity to utilize wireless communication technologies at competitive consumer rates. The project equipment will be painted to minimize the visual impact from the surrounding area.

- B. THE PROPOSED USE, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.

Radio frequency energy transmission from the proposed panel mounted antennas would not result in significant health and safety risks to the surrounding area. The transmissions would have a maximum of 5.9 microwatts per square centimeter, well below the accepted safety standard of 580 microwatts per square centimeter established by the American National Standards Institute and the National Council on Radiation Protection.

- C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

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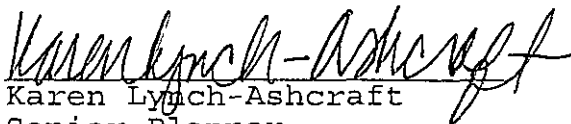
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The proposed facility is permitted in any zone with a Conditional Use Permit and complies with the relevant regulations in the Municipal Code.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 94-0330-12 is hereby GRANTED to NEXTEL COMMUNICATIONS, a Corporation, Owner/Permittee in the form and with the terms and conditions set forth in Conditional Use Permit No. 94-0330-12, a copy of which is attached hereto and made a part hereof.


Karen Lynch-Ashcraft
Senior Planner

Adopted on: February 1, 1996

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ALL-PURPOSE CERTIFICATE

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Type/Number of Document CUP 94-0330-12

Date of Approval February 1, 1996

STATE OF CALIFORNIA

Karen Lynch-Ashcraft
 Karen Lynch-Ashcraft, Senior Planner

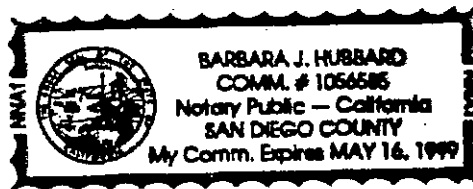
COUNTY OF SAN DIEGO

On February 26, 1996 before me, BARBARA J. HUBBARD (Notary Public), personally appeared KAREN LYNCH-ASHCRAFT, Senior Planner of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Barbara J. Hubbard
 Barbara J. Hubbard



(Seal)

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF (PERMITTEE(S) THEREUNDER.

Signed _____
 Typed Name _____

Signed Lance
 Typed Name LANCE D. ALWORTH
 NEXTEL COMMUNICAITONS

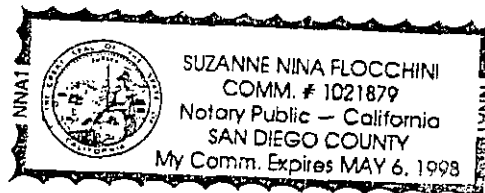
STATE OF CALIFORNIACOUNTY OF SAN DIEGO

On FEBRUARY 28 1996 before me, SUZANNE NINA FLOCCINI (Name of Notary Public) personally appeared LANCE D. ALWORTH, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Suzanne Nina Flocchini



(Seal)

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THE CITY OF SAN DIEGO

Date of Notice: June 14, 2007

**NOTICE OF PUBLIC HEARING
APPEAL TO PLANNING COMMISSION**

Job Order Number: 42-6672

As a property owner, tenant, or person who has requested notice, you should know that a public hearing will be held by the Planning Commission to consider an appeal on an application for a wireless communication facility consisting of an existing 60 foot high monopole and a 90 square foot equipment shelter, originally approved by CUP94-0330-12, which expired on February 1, 2006. The facility is located at 1529 38th Street.

DATE OF HEARING:	June 28, 2007
TIME OF HEARING:	9:00 a.m.
LOCATION OF HEARING:	Council Chambers, 12 th floor, City Administration Building, 202 C Street, San Diego, CA 92101
PROJECT TYPE/PROJECT NUMBER:	Conditional Use Permit/ PTS No. 107501
PROJECT NAME:	<u>AMERICAN TOWER – MINI STORAGE</u>
APPLICANT NAME:	Jim Kelly, American Tower Corporation
COMMUNITY PLAN AREA:	City Heights/Mid Cities
COUNCIL DISTRICT:	3
CITY PROJECT MANAGER:	Karen Lynch-Ashcraft, Development Project Manager
PHONE NUMBER:	(619) 446-5351

The decision made by the Planning Commission is the final decision by the City.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from the California Environmental Quality Act on August 15, 2006 and the opportunity to appeal that determination ended August 29, 2006.

If you have any questions about this matter, you can contact the City Project Manager listed above. This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at 236-5979, at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.